

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ISOJON KHUSENOV,

PLAINTIFF,

-against-

PROKRAFT INC. and PRO-CUT,

DEFENDANTS.

-----X  
PROKRAFT INC.

THIRD-PARTY PLAINTIFF,

-against-

KARZINKA US, INC.,

THIRD-PARTY DEFENDANT.

-----X  
DATE: February 14, 2022  
TIME: 11:09 A.M.

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DEPOSITION of the Defendants,  
PROKRAFT INC. and PRO-CUT, by a witness,  
Eduardo Flores, taken by the respective  
parties, pursuant to Order and to the  
Federal Rules of Civil Procedure, held via  
Zoom, before Dione Woods, a Notary Public  
of the State of New York.

A P P E A R A N C E S:

LAW OFFICE OF YURIY PRAKHIN, P.C.

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BY: CARMEN VASQUEZ, ESQ.

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KARZINKA US, INC.,

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BY: THOMAS EVANS, ESQ.

ALSO PRESENT:

Matt Jacobson

\* \* \*

F E D E R A L   S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED

by and between (among) counsel for the respective  
parties herein, that filing and sealing be and the  
same are hereby waived.

IT IS FURTHER STIPULATED AND AGREED

that all objections, except as to the form of the question,  
shall be reserved to the time of the trial.

IT IS FURTHER STIPULATED AND AGREED

that the within deposition may be sworn to and signed  
before any officer authorized to administer an  
oath, with the same force and effect as if signed  
and sworn to before the Court.

\* \* \* \*



1  
2 MS. VASQUEZ: The parties have  
3 not served a notice pursuant to all  
4 parties for the federal rules of  
5 civil procedure, so Mr. Flores is  
6 being produced today as in his  
7 individual capacity and pursuant to  
8 court order. That is what I wanted  
9 to.

10 MR. ZOHAR: I was under the  
11 impression that you did receive, I  
12 think, last week and I'll have that  
13 I'll send it to you. I don't know if  
14 it makes much of a difference at this  
15 stage.

16 But my intention is to have an  
17 individual with knowledge about all  
18 aspects of the claims presented and  
19 if this individual does not have the  
20 capacity or the knowledge with  
21 regards to those claims in the  
22 complaint then I don't know if we  
23 should be proceeding forward. If he  
24 doesn't have knowledge.

25 So if you can just kind of

1 E. FLORES  
2 respond. You're saying individual  
3 capacity and not under any other  
4 circumstances then that is not --

5 MS. VASQUEZ: Sure. We just  
6 want to make clear that our Defendant  
7 is not waiving any objections to the  
8 lack of the notice pursuant to rule  
9 30. The rule specifically states  
10 that in this notice for subpoena the  
11 party named as deponent is a public  
12 and private corporation, a  
13 partnership, an association with  
14 governmental agency or other entity  
15 and must describe with reasonable  
16 particularity the matters for  
17 examination.

18 Mr. Flores is being produced  
19 pursuant to court order and he is  
20 being produced as the person with the  
21 most knowledge.

22 MR. ZOHAR: Okay. We'll  
23 obviously, based upon, what we see of  
24 his response and I understand the  
25 effects so far you know, but what

1 E. FLORES

2 you're saying that you did not see  
3 the notice.

4 But we reserve the right to  
5 depose someone with knowledge even if  
6 there are areas if he is unable to  
7 respond sufficiently under those  
8 circumstances; all right?

9 MS. VASQUEZ: We reserve our  
10 rights. Unless you're done.

11 MR. ZOHAR: Yeah, he can be  
12 sworn in, Dione.

13 E D U A R D O F L O R E S, called as a  
14 witness, having been first duly sworn by a  
15 Notary Public of the State of New York, was  
16 examined and testified as follows:

17 EXAMINATION BY.

18 MR. ZOHAR:

19 Q. Please state your name for the  
20 record.

21 A. Eduardo Flores.

22 Q. What is your address?

23 A. 902 Birdsell Street, Unit B,  
24 Houston, Texas 77007.

25 Q. Mr. Flores, my name is Gil

1 E. FLORES

2 Zohar. I represent the Plaintiffs in an  
3 action commenced against a variety of  
4 entities. I will be asking you questions  
5 today with regards to that claim. So I  
6 have a couple of questions for you,  
7 initially, before we commence.

8 Further questions with regards  
9 to the facts and things of importance under  
10 the suit. But as you sit here today, are  
11 under any type of medication or substance  
12 that would prevent you from testifying --  
13 understanding, first of all, my questions?

14 A. No.

15 Q. Is there any other reason that  
16 you would be unable to answer questions  
17 truthfully today?

18 A. No.

19 Q. I'm not here to try to give you  
20 trick questions or do anything or cause you  
21 confusion. I'm here to ask you plenty of  
22 questions to have it reduced to a  
23 transcript. This testimony that you'll be  
24 giving is under oath. It is the same force  
25 and effect as if you would testify in the

1 E. FLORES

2 court of law under the circumstances.

3 If at any point I ask you a  
4 question and you are uncertain about a word  
5 or the whole question, I want you to state  
6 so and I will clarify that by re-asking  
7 that or formatting my question in a  
8 different manner, if necessary, until you  
9 do understand my question.

10 Also, I'm going to ask that you  
11 keep all your responses verbal. So nods of  
12 the head, gestures or not to says that you  
13 would use these term but say, yeah, and so,  
14 forth. Say yes or no to answers or some  
15 other response that adequately responds to  
16 the question.

17 If at any time you need to take  
18 a break, feel free to do so, as long as  
19 there is no question pending. And also, if  
20 there is some type of hand gesture or some  
21 type of gesture that you may make, and it  
22 is of significance, I may interpret that  
23 verbally. If I'm mistaken in my  
24 interpretation of any gesture that you may  
25 make during the course of the deposition, I

1 E. FLORES

2 want you to correct me, okay?

3 A. Understood.

4 Q. Now, I'm asking questions, just  
5 a couple words into it you may know exactly  
6 what I'm going to be asking. I'm going to  
7 ask you that you give me the courtesy to  
8 ask my question fully -- to complete my  
9 question before you give me your answer and  
10 I'm going to give you that same courtesy  
11 since the court reporter, Ms. Woods, can  
12 only take down the testimony or the  
13 discussion of one person at a time, okay?

14 A. Yes, sir.

15 Q. First of all, we're not going  
16 to take down these within the transcript  
17 other than the year, but can you tell me  
18 what your date of birth is?

19 A. Xx-xx-xxxx.

20 MS. VASQUEZ: Can you please  
21 not put that on the record.

22 MR. ZOHAR: Fine.

23 Q. Where were you born?

24 A. Monterrey Mexico.

25 Q. What is your highest level of

1 E. FLORES

2 education?

3 A. I have a MBA from a university  
4 in Madrid, Spain.

5 Q. When you say university in  
6 Madrid, Spain, what's the name of the  
7 institution, specifically?

8 A. Universidad De Notificias  
9 Decomillas (phonetic.)

10 Q. I got the Universidad.  
11 Notificias.

12 A. Then D-E-C-O-M-I-L-L-A-S.

13 Q. What, specifically, was the  
14 course of study that you had?

15 A. International resource.

16 Q. When did you graduate with that  
17 MBA?

18 A. If memory serves correct, 1996.

19 Q. What schooling, university or  
20 otherwise, did you have before or after  
21 your MBA?

22 A. Bachelor in business.

23 Q. Where was that from?

24 A. Monterrey. The University Tech  
25 DEC.

February 14, 2022

1 E. FLORES

2 MR. ZOHAR: I don't know if  
3 Carmen, but it's being a little bit  
4 cut off. It's not Mr. Flores's fault  
5 but I'm getting partial words. You  
6 said University Tech?

7 A. Tech DEC Monterrey.

8 Q. Are you a U.S. citizen?

9 A. I'm a U.S. resident.

10 Q. Are you a citizen of any other  
11 country?

12 A. Mexico.

13 Q. Where are you currently  
14 situated at; are you sitting in Houston at  
15 your home or somewhere else?

16 A. In Houston, Texas.

17 Q. A couple questions I will ask.  
18 I apologize beforehand, but, do you have  
19 any type of criminal convictions?

20 A. No.

21 MS. VASQUEZ: Objection. You  
22 can answer.

23 Q. What is your current  
24 employment? Who do you work for?

25 A. I work for Torey Refrigeration



February 14, 2022

1 E. FLORES

2 Inc.

3 Q. Is Torey spelled T-O-R-E-Y?

4 A. That is correct.

5 MR. EVANS: Can you say that  
6 again. Torey what?

7 THE WITNESS: Torey  
8 Refrigeration, Inc.

9 Q. What is their business address,  
10 Torey Refrigeration, Inc.

11 A. Well 93 North Post Oak Road,  
12 Suite 100, Houston, Texas 77055.

13 Q. Now, have you given a  
14 deposition, such as you're doing here or in  
15 the court of law, sworn testimony, prior to  
16 today?

17 A. Yes, I have.

18 Q. On how many occasions?

19 A. If memory serves correct, four  
20 times.

21 Q. How many of those four times,  
22 if at all, have you testified in court?

23 A. None.

24 Q. All those four times been sworn  
25 testimony in a deposition such as this?

1 E. FLORES

2 A. That's correct.

3 Q. Do you know the names of the  
4 cases or suits that you had testified in  
5 prior to today?

6 A. I don't know at this time.

7 Q. Do you have that information  
8 available to you?

9 A. I can research it. I don't  
10 have it available right now.

11 Q. Is that something that you  
12 maintain in the regular course of business,  
13 that information?

14 A. Yes, we do.

15 Q. So if you were to look in your  
16 business records you'd be able to locate  
17 and find that information, specifically?

18 A. Yes, I could.

19 Q. Do any of those four prior  
20 testimonies, in depositions such as this,  
21 deal with bodily injury?

22 A. Yes, they have.

23 Q. All four for bodily injury or  
24 something else?

25 A. I cannot remember at this time.

1 E. FLORES

2 Q. Do you remember any of them to  
3 be anything other than bodily injury  
4 claims?

5 A. I cannot remember at this time.

6 Q. That's also information that  
7 you have available in your business  
8 records?

9 A. Only recalling the information  
10 regarding the case. I don't know the  
11 specifics.

12 Q. Do any of those four prior  
13 testimonies at a deposition where you gave  
14 sworn testimony deal with bodily injury as  
15 a result of meat grinders?

16 A. Yes.

17 Q. How many times out of those  
18 four were the injuries as a result of use  
19 with meat grinders?

20 A. I don't remember at this time.

21 Q. More than one of those?

22 A. I don't have the specifics.

23 MR. ZOHAR: Carmen, I'm just  
24 going to put something on the record  
25 but I will reduce everything to a

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E. FLORES

writing. So, you will have a  
standard objection to reducing  
everything to writing but we're just  
going to request the names of all  
those cases where Mr. Eduardo Flores  
has previously testified in regards  
to claims of bodily injury.

MS. VASQUEZ: Yes, thank you  
for putting those in writing and  
we'll respond and or objections.

MR. ZOHAR: That objection will  
be for everyone of the other jobs  
during the deposition that I named  
also asking for things to be put down  
in the record.

MS. VASQUEZ: That's fine.

MR. ZOHAR: All along.

Q. Now, Mr. Flores, it's stated  
that you are currently employed by Torey  
Refrigeration, Inc.?

A. That's correct.

Q. Since when have you been  
employed by them?

A. 2011. If I'm not mistaken.

1 E. FLORES

2 Q. What is your current position?

3 A. I'm the president of Torey  
4 Refrigeration.

5 Q. Do you have any ownership  
6 interest in Torey Refrigeration, Inc.?

7 A. No, I don't.

8 Q. In what manner is the corporate  
9 structure; is it a corporation, is it a  
10 limited liability company and so forth?

11 A. It's a corporation.

12 Q. Is that a corporation that is  
13 traded, publicly owned or is it privately  
14 owned?

15 A. It is not traded.

16 Q. So is Torey Refrigeration, Inc.  
17 privately owned?

18 A. It is.

19 Q. Is it owned by one person or  
20 more?

21 A. It is owned by a corporation.

22 Q. Do you know who the owner of  
23 that corporation is?

24 A. No.

25 Q. Do you answer up to anyone in

1 E. FLORES

2 your capacity as a president?

3 A. Yes, to the -- to the board.

4 Q. Do you know the names of the  
5 board members?

6 A. Not at this time.

7 Q. In your capacity during --  
8 since 2011 until today, have you been  
9 employed during that whole duration by  
10 Torey Refrigeration, Inc.?

11 A. Can you repeat the question. I  
12 don't understand it.

13 Q. You stated that you started  
14 your employment with Torey Refrigeration,  
15 Inc., which I'm going to refer to as Torey  
16 from this point forward.

17 A. Yes.

18 Q. And I just want to find out,  
19 have you been employed, since that date,  
20 throughout 2011 to today by Torey  
21 Refrigeration, Inc.? Has your employment  
22 been consecutive?

23 A. That's correct.

24 Q. How often as the president do  
25 you have communication with the board?

1 E. FLORES

2 A. Um, we have meetings orally and  
3 there is a board representative that  
4 follows up with me regularly.

5 Q. What is the board member that  
6 stays in touch with you regularly?

7 A. He is a representative, not a  
8 board member.

9 Q. This board member that you just  
10 described that you have regular contact  
11 with, what is his name?

12 A. Andres by Valverde.  
13 V-A-L-V-E-R-D-E.

14 Q. Valverde?

15 A. Valverde.

16 Q. Where is Andres Valverde  
17 located at? If there is a physical  
18 location for an office.

19 A. I don't know.

20 Q. In what manner do you actually  
21 communicate with Mr. Valverde?

22 A. Can you please elaborate.

23 Q. Do you communicate with him  
24 face-to-face, do you communicate with him  
25 over the phone, e-mail, written

1 E. FLORES

2 correspondence, a variety of any of those  
3 or other communications such as zoom and so  
4 forth?

5 A. Yeah, I have a variety of  
6 communication not face-to-face. Obviously,  
7 due to Covid we doing everything remote.

8 Q. So when you say it's "remote,"  
9 is that only e-mail or do you also do zoom  
10 and things of the nature?

11 A. We do different form of  
12 communication.

13 Q. Do you see each other when you  
14 communicate sometimes through video?

15 A. Yes, we do.

16 Q. Do you also communicate through  
17 e-mail?

18 A. Yes, we do.

19 Q. Do you communicate in written  
20 correspondence, literally letters, paper?

21 A. No.

22 Q. During the 11 years,  
23 approximately 11 years that you have been  
24 employed by Torey Refrigeration, Inc., have  
25 you ever met Mr. Andres Valverde?



1 E. FLORES

2 A. Yes, I have.

3 Q. On how many occasions?

4 A. Um, face-to-face, maybe, three  
5 times.

6 Q. You say you have regular  
7 contact, does that mean daily or something  
8 else?

9 A. Something other.

10 Q. Can you describe to us on a  
11 regular week or month on how many occasions  
12 you communicate with Mr. Valverde?

13 A. Most of the time it's only once  
14 a week. We do daily check in. I'm sorry.  
15 Weekly check in.

16 Q. Before Covid came, would that  
17 be just e-mail or other means of  
18 communication?

19 A. E-mail and we use video  
20 conference as well.

21 Q. Since Covid, is it still the  
22 same e-mail and video links or something  
23 other?

24 A. We mainly use e-mail and video  
25 conference.

1 E. FLORES

2 Q. In that communication that you  
3 have, is that also something that's  
4 maintained in the regular course of  
5 business, your e-mail communication, back  
6 and forth between you and Mr. Valverde?

7 A. Yes.

8 Q. That's maintained in the  
9 regular course of business?

10 A. That's correct.

11 Q. Do you have any specific rules  
12 of maintaining e-mails; any procedures or  
13 protocols in your business?

14 A. Can you please elaborate.

15 Q. If you wanted to search  
16 communication, maybe a directive or  
17 something that is passed on from the board  
18 to you through Mr. Valverde, would all  
19 these e-mails be accessible to you?

20 A. I keep -- I maintain my e-mails  
21 on my E-box. There's no specific process  
22 or directive to it.

23 Q. What kind of communication is  
24 there between yourself regarding the  
25 business? What aspects of the business are

1 E. FLORES

2 there communication between the two of you?

3 MS. VASQUEZ: Objection. Gil,  
4 can you please clarify what you mean  
5 by "the business."

6 Q. When I'm referring to the  
7 business I'm just talking about your  
8 position as president of the board. So  
9 what specific areas, if there is a  
10 limitation, does that communication focus  
11 on?

12 A. There's not a specific topic.  
13 It's just about the general state of the  
14 business. So we can cover any kind of  
15 things.

16 Q. Besides being the president of  
17 Torey, are you employed in some capacity by  
18 any other companies?

19 A. No.

20 Q. During -- from 2011 to the  
21 present, even though you may not be  
22 currently employed by any other company,  
23 were you employed or provided services to  
24 any other company during the duration of  
25 the time that you been employed by Torey?

1 E. FLORES

2 A. Can you please clarify that,  
3 please.

4 Q. Has there been any other second  
5 job during your tenure with Torey?

6 A. I only have been employed by  
7 Tor Rey Refrigeration.

8 Q. Now as a president, first of  
9 all, are you the only president or are  
10 there multiple presidents of the company?

11 A. For Torey Refrigeration?

12 Q. Yes.

13 A. I'm the only president.

14 Q. Besides having the board that  
15 you said you have quarterly meetings and  
16 Mr. Valverde, do you have anyone else that  
17 you answer to in your capacity as the  
18 president of Torey?

19 A. No, I only have communications  
20 with those two entities.

21 Q. Do you know how many people  
22 there are, currently, on the board for  
23 Torey?

24 A. No, I don't.

25 Q. Is that some information that

1 E. FLORES

2 would you have available within your  
3 business records?

4 A. Yes.

5 MR. ZOHAR: We're gonna ask  
6 for, again, and we'll reduce this to  
7 writing, all the names of the board  
8 members, currently, and in the past  
9 for Torey Refrigeration, Inc.

10 MS. VASQUEZ: Just going to  
11 note my objection to that, just  
12 generally, in terms of relevance but,  
13 yeah, thanks again, we'll put it in  
14 writing and we'll respond.

15 Q. These board members, do they  
16 dictate the manner in which the business,  
17 Torey, proceeds and conducts itself?

18 A. Which capacity?

19 Q. Who determines what kind of  
20 business Torey is; is that you or is that  
21 the board members?

22 A. Um, can you give me an example  
23 just so I can understand what you're  
24 talking about.

25 Q. We have a named company and I

1 E. FLORES  
2 don't know necessarily if they're into --  
3 when it says refrigeration if they're in  
4 the business for HVACs, H-V-A-C, for  
5 residential air conditioning unit,  
6 commercial larger capacity cooling  
7 enclosures or something other.

8 So I want to find out who  
9 determines what kind of business Torey is;  
10 is that something that you do?

11 A. I cannot attest to that. I  
12 since I been president of Torey  
13 Refrigeration, we always been the same  
14 business. So, I don't know who was the  
15 person that decided that.

16 Q. But it wasn't you?

17 A. It wasn't me.

18 Q. In your capacity as president,  
19 when you receive communication, either  
20 directly from the board during your  
21 quarterly meetings or from Mr. Valverde, is  
22 that something that once it's communicated  
23 to you you carry out their wishes and  
24 direction?

25 A. I do.

1 E. FLORES

2 Q. Do you have the capacity in  
3 your position to say, no, that's not  
4 something I want to do. Do any of those  
5 directives or wishes of the board either  
6 directly or through Mr. Valverde?

7 A. We never had a conversation so  
8 I couldn't say.

9 Q. So up to now, in your  
10 approximate 11 years that you been working  
11 for them, meaning Torey, when you get  
12 directives, orders or any communication for  
13 you to carry out certain aspects of  
14 business, you follow those directives,  
15 correct?

16 A. To the best of my capacity.

17 Q. Can you tell me what,  
18 specifically, is the business of Torey  
19 Refrigeration?

20 A. Torey Refrigeration is in the  
21 business of commercializing commercial  
22 refrigeration that goes for restaurants.  
23 Anything that has to do with the food  
24 industry and also sales, electronic scales  
25 for the food servicing industry as well.

1 E. FLORES

2 Q. At any point, had Torey had any  
3 involvement with meat grinders?

4 A. Torey Refrigeration has never  
5 sold meat grinders.

6 Q. What's your knowledge of meat  
7 grinders as you sit here today?

8 MS. VASQUEZ: Objection to  
9 form. Can you be more for specific  
10 with that question please, Gil.

11 MR. ZOHAR: I want to find out  
12 what knowledge, if any, that he has  
13 with regards to meat grinder.

14 MS. VASQUEZ: Again, it's very  
15 vague, but, if he can answer.

16 Q. We'll break it down into  
17 several questions. I want to make sure  
18 it's clear. Have you ever received any  
19 type of engineering education certification  
20 regarding the production of meat grinders?

21 A. No, I have not.

22 Q. Have you ever seen -- have you  
23 ever sold meat grinders in your capacity or  
24 the company for which you a president?

25 A. Torey Refrigeration has never



1 E. FLORES

2 sold meat grinders and I have not sold meat  
3 grinders, personally.

4 Q. Now, I'm gonna ask you a few  
5 questions with regards to the  
6 pre-deposition and I do not want you, in  
7 any manner, to tell me what communication  
8 you may have had directly with your  
9 attorneys.

10 So before you came here today  
11 you were notified that you had a  
12 deposition?

13 A. I was.

14 Q. Were you told that it involves  
15 a bodily injury claim that involved a meat  
16 grinder?

17 A. I knew there was an incident.  
18 I didn't go deeper into the details.

19 Q. Does Torey Refrigeration, as  
20 you said you're the president of, have any  
21 involvement of either production. Let me  
22 breakdown my question. Does Torey have any  
23 type of involvement with regards to  
24 designing of meat grinders?

25 A. Not to my knowledge.

1 E. FLORES

2 Q. Has Torey been involved in  
3 anything with regards to designing, doing  
4 market analysis and sales of meat grinders?

5 A. No, Torey Refrigeration has  
6 never sold nor designed meat grinders.

7 Q. When you say that they never  
8 have, is that during your tenure or your  
9 knowledge that they've never done that  
10 before during their existence?

11 A. I only have knowledge from the  
12 time I started working for them forward.

13 Q. Once you were notified that  
14 this involved a meat grinder, did you do,  
15 first of all, any type of review of any  
16 type of documents?

17 A. I -- we searched for an  
18 invoice.

19 Q. Did you locate an invoice?

20 A. I did not personally but  
21 somebody in my staff did.

22 Q. When you say that you searched  
23 for an invoice, did that someone in the  
24 company that found the invoice, did they  
25 provide that invoice to you?

1 E. FLORES

2 A. They did.

3 Q. And that invoice, do you recall  
4 -- what was the date of that invoice, if  
5 you recall?

6 A. I don't.

7 Q. Do you know if it predated the  
8 time of your employment?

9 A. I don't know the specific date.

10 Q. In that invoice, was it a Torey  
11 invoice specifically?

12 A. I don't understand the  
13 question.

14 Q. Does Torey Refrigeration, is  
15 that a umbrella company that has other  
16 companies that it controls that may sell  
17 meat grinders or something else?

18 A. No, Torey Refrigeration does  
19 not control any other entities.

20 Q. Is Torey part of the umbrella a  
21 piece of a large umbrella corporation that  
22 does have aspects in portions of companies  
23 which do sell grinders?

24 A. I don't -- I don't know at this  
25 time.

February 14, 2022

1 E. FLORES

2 Q. The invoice that you had  
3 received, was that for a meat grinder?

4 A. They have different items on  
5 the invoice. I thought that it was at least  
6 one meat grinder.

7 Q. Just to make it a little bit  
8 easier.

9 MR. ZOHAR: Carmen I'm also --  
10 I'm going to take, just so we can  
11 have that the document had been  
12 exchanged, I'll just forward that to  
13 Ms. Dione Woods if that is all right  
14 with you.

15 MS. VASQUEZ: Okay.

16 MR. ZOHAR: Just give me one  
17 second.

18 MS. VASQUEZ: Are you going to  
19 have her share it?

20 MR. ZOHAR: I'll just share and  
21 we'll send each individual item after  
22 that so we're not going to --

23 MS. VASQUEZ: Sure. That's  
24 fine.

25 Q. All right. I'm going to screen

1 E. FLORES

2 share a document and we'll have this as  
3 Plaintiff's 1. All right.

4 (Whereupon, manual was marked  
5 as Plaintiff's Exhibit 1 for  
6 identification as of this date by the  
7 Reporter.)

8 Q. So Mr. Flores, do you see the  
9 invoice that I have and it has been marked  
10 as Plaintiff's 1?

11 A. I see it. Can you make it a  
12 little bigger because I don't see it.

13 Q. Absolutely. And I was just  
14 going to tell you, if anything, if you want  
15 me to enlarge move over, shift, I will do  
16 all those things. I want to make sure that  
17 things are clear.

18 I will enlarge it and if some  
19 portions go outside of the frame, you can  
20 tell me to go ahead, go lower, go higher,  
21 to the side, whatever you want, to examine  
22 it as we ask questions about it, okay?

23 A. Understood.

24 Q. Is that a little bit more  
25 helpful?

1 E. FLORES

2 A. Yes, it is. Thank you.

3 Q. By taking a look at this  
4 document, can you tell me when this was  
5 actually dated -- this invoice?

6 I'll go down to the bottom if  
7 you need to because part is cut off.

8 A. There is a -- if you can make  
9 bigger. That's a part that says, date, but  
10 I cannot read the date.

11 Q. Okay. Does that help you or  
12 you want me to make it larger?

13 A. A little bit bigger please.  
14 Thank you. So what I see -- yes, now I  
15 think that's better. Yes, thank you.

16 Q. When you say that there is a  
17 part that there is a date, you're talking  
18 -- first of all I'm just going to give you  
19 -- at the top left it looks like there is  
20 some type of wording in a symbol for Torey  
21 in the top left, do you see that?

22 A. Yes.

23 Q. Is that the Torey name and  
24 symbol used by the company for which you're  
25 a president of?

1 E. FLORES

2 A. A brand.

3 Q. Is this an invoice to Torey?

4 A. I don't understand "invoice."

5 I'm sorry. Can you rephrase it.

6 Q. There is an invoice. Is this a  
7 Torey invoice?

8 A. I still don't understand the  
9 question.

10 Q. In the business that you  
11 conduct, you sell things for profit,  
12 correct?

13 A. We do.

14 Q. You send out invoices in some  
15 manner to notify people what they owe or  
16 once they purchased, they should have an  
17 invoice for that purchase?

18 A. That's correct.

19 Q. Is that something that's done  
20 also for a good recordkeeping of the  
21 business but also the people who have the  
22 proof of purchase?

23 A. That is correct.

24 Q. Is this an invoice that Torey  
25 sends out to his customers?

1 E. FLORES

2 A. This is not a Torey  
3 Refrigeration invoice.

4 Q. What is the association that  
5 Torey has with, what is also typed to the  
6 right of that word, and if you can read it  
7 better than I can. You see what the name  
8 is?

9 A. To the right of the -- of what?  
10 Sorry.

11 Q. Of where it says Torey at the  
12 top?

13 A. Okay. Yeah, I can read it, it  
14 says Fabricantes De Equipos Para  
15 Refrigeracion.

16 Q. Are you familiar with that  
17 company?

18 A. I am.

19 Q. What association does Torey  
20 have with Fabricantes De Equipos Para  
21 Refrigeracion S.A. DE C.V?

22 A. It's a supplier of equipment  
23 for Torey Refrigeration.

24 Q. Do they have any type of common  
25 ownership relationship?



1 E. FLORES

2 A. I don't know.

3 Q. What kind of supplies does this  
4 company supply to Torey?

5 A. Refrigeration units.  
6 Commercial refrigeration, scales.

7 Q. Would you agree that there are  
8 three items listed under description within  
9 this invoice?

10 A. I cannot read it. If you can  
11 enlarge that portion, please.

12 Q. Okay. I'm go to -- you see the  
13 are where it says description?

14 A. I see it, yes.

15 Q. Would you read on this invoice,  
16 and I'm going to go down just to make sure  
17 there's nothing else here in the  
18 description of it. There are three items.  
19 Can you read off what those three items  
20 are?

21 A. I can read portions of it to  
22 the best of my capacity. The first one  
23 apparently it read slicer Procut and then  
24 the next item is blender Procut and then  
25 one more that reads blender cuts.

February 14, 2022

1 E. FLORES

2 Q. Correct. Is there any use of  
3 these three items have to do with  
4 refrigeration in any manner?

5 A. Not my knowledge.

6 Q. Can you tell us why Torey would  
7 be purchasing slicers and grinders?

8 A. Torey did not purchase those  
9 items.

10 Q. Why would -- well, can you  
11 explain to us why is the name Torey on the  
12 top-left portion of this invoice?

13 A. I don't. I don't know that.

14 Q. Who would know why this bill is  
15 being maintained in the regular course of  
16 business of Torey? What purpose this is  
17 being maintained in the business?

18 A. I don't understand your  
19 question.

20 Q. This bill right here is  
21 maintained in your regular course of  
22 business, and that's why one of the  
23 employees found it?

24 A. This particular bill, according  
25 to what is stated there, was sold to

1 E. FLORES

2 Prokraft and -- and -- and it was sold to  
3 Prokraft and it was managed by Prokraft.

4 Q. Why is the Torey name on this  
5 bill -- this invoice?

6 MS. VASQUEZ: Objection. You  
7 can answer if you know.

8 A. Don't know.

9 Q. Who would have that information  
10 available to them and would be able to  
11 testify in regards to why Torey's name is  
12 on this invoice and what connection Torey  
13 has to this invoice or this transaction?

14 MS. VASQUEZ: Objection. You  
15 can answer.

16 A. I don't know.

17 Q. Would the board members build a  
18 relationship between Torey and Fabricantes  
19 De Equipos Para Refrigeracion?

20 MS. VASQUEZ: Objection.

21 A. I don't know.

22 Q. Have you sold anything and  
23 we're talking about Torey to Prokraft?

24 MS. VASQUEZ: Objection can you  
25 please -- Gil there's a lot of Torey

1 E. FLORES

2 being thrown around. I just want to  
3 be very clear. His testimony is that  
4 he's president of Torey  
5 Refrigeration.

6 MR. ZOHAR: Correct.

7 MS. VASQUEZ: And there's  
8 another there's another one that  
9 Torey here that hasn't been  
10 established, if that's Torey  
11 Refrigeration, so can you be more  
12 specific with the question, please.

13 MR. ZOHAR: Off the record.

14 (Whereupon, an off-the-record  
15 discussion was held.)

16 Q. Mr. Flores, now you said you  
17 were not employed, you did not provide any  
18 services to other companies earlier. Are  
19 there other entities or companies for which  
20 you have some type of relationship, we'll  
21 call it, that you were on a board, that you  
22 were in an office or anything of that share  
23 with other companies?

24 A. The initial of my answer was  
25 that I was only employed by Torey

1 E. FLORES  
2 Refrigeration, that was my answer and then  
3 to your second answer to the question I  
4 also said, Prokraft, but I'm not employed  
5 by Prokraft.

6 MR. ZOHAR: I'm having cut off.  
7 I'm hearing something.

8 A. I will repeat the answer. I  
9 also serve as a president of Prokraft but  
10 I'm not employed by Prokraft.

11 Q. So in your capacity, first of  
12 all, as president of Prokraft -- first of  
13 all, what kind of company, business for,  
14 such as a corporation, the same questions I  
15 had before limited liability, nonprofit.  
16 What kind of corporate structure is there  
17 for Prokraft?

18 A. Prokraft is a corporation.

19 Q. That's a for-profit  
20 corporation, correct?

21 A. That's correct.

22 Q. Is there also a board there  
23 that you answer up to?

24 A. Yes.

25 Q. Do you know what the -- how

1 E. FLORES

2 many individuals apprise the board for  
3 Prokraft?

4 A. Not at this time.

5 Q. From what time have you been  
6 president of Prokraft? Since when?

7 A. If my memory serves correct,  
8 2012.

9 Q. Who do you answer up to,  
10 directly? You said board members, but do  
11 you have names of any of the board members  
12 for Prokraft?

13 A. Not at this time.

14 MR. ZOHAR: I'm going to ask  
15 for and we'll reduce to writing for  
16 the names of all the board members of  
17 Prokraft.

18 Q. Now, the board members of  
19 Prokraft, in what manner of communication;  
20 is it also e-mails, video link or do you  
21 meet them in person?

22 A. We talk -- communicated mainly  
23 by e-mail or video conference. We have not  
24 met in person, face-to-face.

25 Q. Are there any type of meetings,

February 14, 2022

1 E. FLORES  
2 monthly, quarterly, yearly that you appear  
3 and meet them in person?

4 MR. ZOHAR: I don't know. He  
5 might be frozen. Mr. Flores? Yeah,  
6 he's frozen.

7 MS. VASQUEZ: It looks like.

8 MR. ZOHAR: Yes, he's frozen.

9 (Whereupon, technical  
10 difficulties were had.)

11 (Whereupon, a short recess was  
12 taken.)

13 MR. ZOHAR: Ms. Woods, can you  
14 just read back the last question. I  
15 don't know if there was an answer.

16 (Whereupon, the referred to question  
17 was read back by the Reporter.)

18 Q. Referring to board members of  
19 Prokraft.

20 A. What specific time?

21 Q. During the course of you being  
22 the president since 2012?

23 A. Pre-Covid we did face-to-face  
24 with different boards members. Since Covid  
25 we did not get face-to-face.

1 E. FLORES

2 Q. Prior to Covid, how many  
3 face-to-face meetings during the course of  
4 your presidency for Prokraft have you met  
5 with the board members?

6 A. At least once a year.

7 Q. In general, is there a specific  
8 amount of board members?

9 A. No, I don't know at this time.

10 Q. Do you recall when you met  
11 them, at any point, how many board members  
12 there were for Prokraft?

13 A. They changed through time. The  
14 people are aware of the meeting, so I don't  
15 know.

16 Q. I understand that the people  
17 may change, but is there a specific  
18 quantity of board members; whether they  
19 have 10 or 20 or whatever it may be?

20 MS. VASQUEZ: Objection. You  
21 can answer.

22 A. I don't know at this time  
23 there.

24 Q. Did you meet all the board  
25 members at any one of those meetings since



1 E. FLORES

2 2012 prior to Covid?

3 A. I don't know at this time.

4 Q. Now, when you go to these board  
5 meetings are they official company  
6 business?

7 MS. VASQUEZ: Objection to  
8 form. You can answer. If you know.

9 A. Can you rephrase the question,  
10 please.

11 Q. These events where you've met  
12 the board members, are they all social or  
13 some of them actually have to do with the  
14 business of Prokraft?

15 A. With the business of Prokraft.

16 Q. Are those business scheduled  
17 board meetings that you're attending during  
18 those times that you've met them prior to  
19 Covid face-to-face?

20 A. Yes.

21 Q. Were minutes taken during those  
22 board meetings?

23 A. I know of some. I don't know  
24 if every meeting has --

25 Q. During those meetings, is there

1 E. FLORES

2 an attendance of all those four in notation  
3 of all those individuals that are at the  
4 board meeting back in --

5 A. I don't know. I don't have  
6 specific of the minutes.

7 Q. Have you ever seen minutes  
8 available of any board meetings in your  
9 capacity as the president dealing with  
10 board members on both Torey and Prokraft?

11 A. No.

12 Q. Is it a regular custom to know  
13 who has physically appeared and been a part  
14 of that board meeting?

15 A. I don't know about the rule  
16 stuff. They have minutes.

17 Q. I'm asking from your experience  
18 when you reviewed those minutes, have you  
19 seen if they actually take down the names  
20 of who is there, presently?

21 A. I don't. I don't know the  
22 rules of the meetings. I'm not the person  
23 that takes the minutes. That's not my job.  
24 So I seen minutes but I don't know the  
25 specifics of what's included or what's not.

1 E. FLORES

2 Q. When you say you've seen  
3 minutes, does that mean that you looked at  
4 a piece of paper and looked away or have  
5 you read the minutes when you say you've  
6 seen the minutes?

7 A. I'll look at the paper,  
8 basically.

9 Q. So you didn't read anything to  
10 do with what the minutes stated; is that  
11 what you're saying?

12 A. I -- that's very general. I  
13 been president of Prokraft for more than  
14 nine years so. I can't remember nine years  
15 ago.

16 Q. I'm not asking you to recite  
17 verbatim something they say but, have you  
18 read minutes during the course of your  
19 tenure as a president of a company?

20 A. I have.

21 Q. Have you ever seen any notes  
22 that a certain person had stated something  
23 and spoke in the meeting?

24 A. I don't remember.

25 Q. Have you ever seen names of

1 E. FLORES

2 individuals that were in meetings noted  
3 with the minutes?

4 A. I have.

5 Q. Have you ever noted within  
6 those minutes of what the basic laundry  
7 list of items that they wanted to speak  
8 about and discuss?

9 MS. VASQUEZ: Objection. You  
10 can answer.

11 A. I don't know the specifics of  
12 that. I don't have a recollection.

13 Q. Do you understand what the  
14 purpose of minutes are for board meetings?

15 MR. VASQUEZ: Objection. You  
16 can answer.

17 A. That, I don't know.

18 Q. In your capacity as a president  
19 of two for-profit companies, have you ever  
20 reviewed minutes to understand what was  
21 discussed and what the directives of a  
22 board were findings that may have even been  
23 voted upon?

24 MS. VASQUEZ: Objection. Gil,  
25 I'm going to have to say something

1 E. FLORES

2 here. He's already answered, he  
3 doesn't recall. I don't know where  
4 we're going with these minutes. You  
5 already placed a demand on the  
6 record. So, I don't know how much.  
7 If he can't recall. He cant recall.

8 Q. I just want to find, out as the  
9 president of Prokraft and Torey, did you  
10 ever use minutes to read and determine what  
11 the wheel of the board is for that specific  
12 number?

13 MS. VASQUEZ: Objection to form  
14 and I would just -- would like for  
15 you to clarify board. Make separate  
16 questions because we're here for the  
17 Prokraft event not a Torey. I would  
18 just ask some if you can just limit  
19 your questions to Prokraft or have  
20 two separate questions.

21 MR. ZOHAR: I will do that, but  
22 it should be understood that this  
23 witness knew we were here for a  
24 Prokraft meat grinders because he  
25 stated he was told this and when I

1 E. FLORES

2 asked him about his position he never  
3 mentioned anything, initially, about  
4 Prokraft, but instead went along the,  
5 you know, the line of Torey.

6 So, you know, my confusion is  
7 obvious based upon the answers of  
8 this witness. So now I want to find  
9 out about his capacity and his  
10 knowledge as a president and how he  
11 functions.

12 It's very important -- this is  
13 not a person that has a bruise.  
14 These are serious injuries and  
15 serious allegations that we have here  
16 today. I want to make sure that we  
17 explore all those things that we need  
18 to.

19 MS. VASQUEZ: I understand  
20 that. I'm not objecting to your --  
21 what I'm objecting to, specific, is  
22 the fact that he's already answered  
23 the question, first of all. That I'm  
24 objecting to the fact that your first  
25 question was, who are you employed by

1 E. FLORES

2 and he made clear in the response  
3 that he was not employed by Prokraft  
4 but was a corporate officer.

5 The interrogatories all  
6 indicated he's the president for  
7 Prokraft. Your question was very  
8 general and it was -- he answered the  
9 question honestly and truthfully. He  
10 was employed by Torey Refrigeration  
11 but he's a corporate officer for  
12 Prokraft the entity that we're here  
13 for today.

14 So if we can just stay on point  
15 and, you know, stay on the fact that  
16 we're here for Prokraft's machine.

17 MR. ZOHAR: I understand.

18 Q. So Mr. Flores, you would agree  
19 that you're president of two companies,  
20 correct?

21 A. Yes, I'm president of Torey  
22 Refrigeration and I'm president of  
23 Prokraft.

24 Q. Is the, say the agreement, for  
25 you to provide your services as a

1 E. FLORES  
2 president, is it the same for both  
3 companies or does it differ?

4 MS. VASQUEZ: Oxygen. Again  
5 same objection. We can move on from  
6 this. You can answer.

7 A. I don't understand the  
8 question.

9 Q. Do you get compensated for your  
10 services as a president?

11 A. I don't --

12 Q. Yeah, we're waiting just for an  
13 answer. Did you hear the question?

14 MS. VASQUEZ: Did you hear the  
15 question?

16 A. No, it got frozen.

17 Q. Not a problem. Can you hear me  
18 now?

19 A. Yes.

20 Q. Do you receive some type of  
21 monetary compensation or other means of  
22 compensation for providing service as a  
23 president for Prokraft?

24 MS. VASQUEZ: Objection. You  
25 can answer.



1 E. FLORES

2 A. Yes, my only compensation comes  
3 from Torey Refrigeration. I don't receive  
4 any compensation from Prokraft.

5 Q. Do you have any ownership from  
6 Prokraft?

7 A. No, I don't.

8 Q. So is it that you just provide  
9 your services that's pro bono business for  
10 Prokraft?

11 A. I don't understand the  
12 question. Sorry.

13 Q. You said you don't receive any  
14 compensation. So you acting as a president  
15 for Prokraft, are you doing that free? For  
16 no compensation of any means.

17 MS. VASQUEZ: Objection again.

18 You can answer.

19 A. Torey Refrigeration is the  
20 entity that pays my salary and Torey  
21 Refrigeration provide services to Prokraft  
22 and as far as my position of Torey I have  
23 to provide some service to Prokraft.

24 Q. When you say you provide  
25 services, I mean, you're taking the

1 E. FLORES

2 position of president of Prokraft when you  
3 say you provide your services, correct?

4 A. I -- I don't understand the  
5 question.

6 Q. Do you provide any free  
7 services to any other companies other than  
8 Prokraft?

9 A. No, I don't provide any service  
10 to other companies.

11 Q. Is there any reason why you  
12 provide free services to Prokraft?

13 MS. VASQUEZ: Objection. You  
14 can answer.

15 A. I -- again I -- Torey  
16 Refrigeration has a service agreement with  
17 Prokraft and they provide different  
18 services. As president of Torey  
19 Refrigeration I provide the service to  
20 Prokraft.

21 Q. Who gave you that directive  
22 that you will act as president without any  
23 other compensation for Prokraft?

24 A. I was assigned by Prokraft  
25 board as president.

1 E. FLORES

2 Q. But you said you're not  
3 employed by Prokraft board?

4 A. I'm not.

5 Q. You have to wait a second so I  
6 can repeat my question.

7 A. Understood.

8 Q. You said that you were only  
9 employed by Torey, you only answer up to  
10 the board members of Torey and you have  
11 some communication that's directed but you  
12 have more regular communication with Mr.  
13 Valverde, correct?

14 A. President of Torey  
15 Refrigeration I do report to the board and  
16 I do have communications with. That is  
17 accurate.

18 Q. Did you receive any directives  
19 to act as president for another company  
20 from the board members of Torey?

21 A. No.

22 Q. Is this something that you took  
23 upon yourself, on your own, to act as  
24 president without any compensation of any  
25 kind for a different company other than

1 E. FLORES

2 Torey?

3 MS. VASQUEZ: Objection to  
4 form. He's already answered the  
5 question. You can answer it again.  
6 One last time.

7 A. When I became president of  
8 Prokraft the owners of Prokraft had a  
9 service agreement with Torey Refrigeration.  
10 It was the decision of the board of  
11 Prokraft to have me as president of the  
12 company.

13 Q. So which company did you act as  
14 president first?

15 A. Torey Refrigeration.

16 Q. But you keep on saying that the  
17 board members of Prokraft were the ones  
18 that basically gave you direction to act as  
19 president on your behalf, correct or --  
20 correct me if I'm misstating something?

21 A. I repeat my answer. My  
22 previous answer which is, the Prokraft, the  
23 board of Prokraft had engaged with a  
24 service agreement. And the board of  
25 Prokraft decided that I will be the

1 E. FLORES

2 president of the company as well.

3 Q. Does Prokraft own Torey?

4 A. No.

5 Q. Does Prokraft have an umbrella  
6 company or shell corporation that in some  
7 manner controls Torey?

8 A. I don't know that.

9 Q. Can you explain to us how a  
10 company, regardless if you had a service  
11 contact or otherwise, direct you to act as  
12 president when they do not control Torey in  
13 any manner?

14 MS. VASQUEZ: Objection.

15 You're misstating his testimony, Gil.  
16 I think there's some confusion here.

17 MR. ZOHAR: I think there's  
18 absolute confusion and it has to do  
19 with the responses. If he is not  
20 employed by Prokraft he does not  
21 receive any compensation from  
22 Prokraft, he only answers up to the  
23 board of Torey.

24 So I'm asking how it is that he  
25 from one company for which he's the

1 E. FLORES

2 only person. It's the only employee  
3 that he has, he takes direction from  
4 another company to be his president.

5 MS. VASQUEZ: That's not what  
6 he said. You know what, his  
7 testimony will speak for itself and  
8 in the transcript is going to say in  
9 his testimony that's not what he  
10 said, but you know, if we can just.

11 Q. We'll go offer it again because  
12 it's not clear in the record and he did not  
13 answer my question directly or indirectly.  
14 So Mr. Flores, is it common for you to have  
15 board members from other companies ask you  
16 to be a non-compensated president?

17 A. I didn't hear the question.  
18 Can you repeat it, please.

19 Q. Yes. Is there a common  
20 occurrence for you to follow directives of  
21 boards or other companies, to act as a  
22 president without any compensation for some  
23 company that, other than the one that  
24 employed to you?

25 MS. VASQUEZ: Objection. You

1 E. FLORES

2 can answer.

3 A. I only serve as president of  
4 Tor Rey Refrigeration and Prokraft. I have  
5 no involvement with other companies. So  
6 that's the only thing. I can answer about  
7 that.

8 Q. So would that be, it does --  
9 it's never happened other than this one  
10 incident. It's not a regular occurrence  
11 because you have not answered my question.  
12 We can read it back.

13 A. I don't know. I don't  
14 understand what you mean by "regular  
15 occurrence."

16 Q. Besides you acting and taking  
17 directive from a board, from a company that  
18 is not your employer, have you ever done  
19 that, at any other time, for any other  
20 company?

21 MS. VASQUEZ: Objection to the  
22 question. Objection to the  
23 misstatement in your question to his  
24 testimony. His testimony speaks for  
25 itself. Over objection. You can

1 E. FLORES

2 answer, Eduardo.

3 A. No, I don't remember at this  
4 time.

5 Q. Let me ask you a question. Do  
6 you have any memory problems?

7 MS. VASQUEZ: Objection.

8 A. No.

9 Q. Do you have any type of health  
10 issues that would prevent you from  
11 recalling an event as much as being asked  
12 as a president for another company for no  
13 compensation in your life?

14 MS. VASQUEZ: We are getting  
15 into a turn towards here where you're  
16 board line harassing this witness.  
17 You're asking the same questions over  
18 and over and over again and  
19 mischaracterizing his testimony in  
20 your questions and we're here for a  
21 Prokraft meat grinder.

22 You haven't asked one question  
23 yet even though we're a hour and a  
24 half into it. I would ask let's  
25 please move forward here.



1 E. FLORES

2 MR. ZOHAR: A couple things.

3 One, let's not have speaking  
4 objections. Two, I have not received  
5 direct answers and I have a witness  
6 here that says he doesn't recall if  
7 he may have been asked to be a  
8 president of a company and I think  
9 that that directly raises a red flag  
10 that maybe he has issues with  
11 recollection. That is a very easy  
12 thing.

13 It's like asking you, have you  
14 ever been a father and he say well, I  
15 don't remember. It's a kin to them  
16 and so if he's going to be  
17 obstructive in answering these  
18 questions it's an issue because it  
19 doesn't allow me to move forward.

20 I cannot move forward and for  
21 you to continue to say those things  
22 that are misstatements, they are  
23 inappropriate. You know the rules --

24 MS. VASQUEZ: You know what --

25 MR. ZOHAR: The capacity of our

1 E. FLORES

2 position and allow the witness to  
3 testify. And if he is obstructing,  
4 and not answer questions, it's going  
5 to be an issue that we are going to  
6 have to raise with the court and can  
7 possibly bring somebody that's  
8 willing to testify or do this under  
9 other circumstances where we have  
10 someone from the courts what we're  
11 seeing and supervising this witnesses  
12 testimony because this is  
13 unacceptable.

14 MS. VASQUEZ: Let me just say  
15 this. Let me just say this. Let me  
16 just say this. This is the reason  
17 why I placed a statement on the  
18 record regarding the notice pursuant  
19 to rule 30 b 6.

20 You never served one. We don't  
21 have any topics of deposition  
22 testimony to prepare this witness and  
23 I know you're asking these questions  
24 and expect him to remember things off  
25 the top of his head that we have no

1 E. FLORES

2 basis to believe or that you're going  
3 to be asking questions about.

4 Torey Refrigeration. We're not  
5 here for a Torey Refrigeration  
6 product, we're here for a Prokraft  
7 product. You never asked questions  
8 about it. So I'm just going to  
9 continue. He's being produced.  
10 We're not waiving any objections to  
11 the lack of notice.

12 You know the rules too so  
13 bringing that up and telling me that  
14 I don't know the rules or that I know  
15 the rules and I should know them. It  
16 goes both ways.

17 I'm going to let him answer the  
18 questions but I think we need to  
19 start moving on and start asking  
20 questions that are relevant to this  
21 lawsuit which is a Prokraft meat  
22 grinder. You haven't even gotten  
23 there yet.

24 MR. ZOHAR: Like I said, you  
25 know the rules about speaking

1 E. FLORES

2 objections. I understand those  
3 comments which you just made, that's  
4 fine, but you also, in the record is  
5 very clear upon this, that there are  
6 some very significant issues with the  
7 testimony of Mr. Flores under the  
8 circumstances, and if you want to,  
9 what we can do is we cannot proceed  
10 forward we can go ahead and put the  
11 notice to make sure that it's very  
12 clear and very obvious that we're  
13 asking questions about what is cited  
14 within the claims that have been  
15 asserted against the Defendants in  
16 this case for which this witness is  
17 aware of and has stated so.

18 MS. VASQUEZ: No, we're not  
19 stopping. I'm sorry. Mr. Flores  
20 testimony here today which is  
21 pursuant to court order. You know  
22 that we have a very, very short time  
23 frame. And then we're going to move  
24 forward to testify.

25 The record will tell his

1 E. FLORES

2 testimony. He's here to testify  
3 based on what he knows, what he  
4 recollects. It's not a test. If he  
5 doesn't remember, he doesn't  
6 remember. That's all there is to it.

7 Q. Mr. Flores?

8 A. Yes.

9 Q. I'm going to go back to your  
10 relationship between Prokraft and Torey.

11 MS. VASQUEZ: Objection.

12 MR. ZOHAR: I haven't even  
13 asked the question. You got to let  
14 me have the opportunity to ask my  
15 question and to not have speaking  
16 objecting in any way.

17 MS. VASQUEZ: Go ahead.

18 Q. So in your relationship, first  
19 of all, that you said that there is a  
20 service agreement between Torey and  
21 Prokraft, can you give us a little bit of  
22 detail and description of what that service  
23 agreement is?

24 A. Yeah, there's a service  
25 agreement that was signed between Prokraft

1 E. FLORES

2 and Torey Refrigerations where Torey  
3 Refrigeration provide services like  
4 warehouse and you know shipment of  
5 products.

6 I mean, services, marketing and  
7 the sign of salespeople. Things like that.

8 Q. And I got cut off. I didn't  
9 hear. Was that Prokraft provide the  
10 warehouse in and all those things that you  
11 detailed or was that Torey? I didn't hear  
12 what the name was.

13 A. The agreement is between those  
14 companies and the company that provide the  
15 services is Torey refrigeration.

16 Q. When you say they provide the  
17 services and we're gonna go down the list  
18 of all this; warehousing was one?

19 A. That is correct.

20 Q. Administrative?

21 A. Yes.

22 Q. Marketing?

23 A. Yes.

24 Q. Sales?

25 A. Yes.

1 E. FLORES

2 Q. What other services other than  
3 these four does Torey provide to Prokraft?

4 A. Top of my head --

5 Q. As president of Prokraft and  
6 Torey, you already told us that you answer  
7 up to the boards on both sides, correct?

8 A. Yes, I was assigned to the  
9 board, yes. I -- the board of Prokraft,  
10 yes, it's correct.

11 Q. Are you a board member of the  
12 board for Prokraft?

13 A. I -- yes, yes, I am.

14 Q. How many other fell board  
15 members are there for Prokraft?

16 A. I don't know.

17 MS. VASQUEZ: Objection to the  
18 form. We've asked these questions  
19 already. Over objection. He can  
20 answer. This is like the third round  
21 now.

22 MR. ZOHAR: Carmen, you can say  
23 these things. You can just put  
24 objection. The record is very clear.  
25 This is the first time he said he was

1 E. FLORES

2 a board member. If you want to we'll  
3 go through the whole record if you  
4 want to. But I'm absolutely sure  
5 that this is the first time that he  
6 said that he was a board member.

7 MS. VASQUEZ: You've asked that  
8 question, how many board members are  
9 there. We've asked that question a  
10 couple of times now.

11 (Whereupon, as chorus of voices  
12 were heard.)

13 MS. VASQUEZ: All right. Let's  
14 move on. But you had ask him that  
15 question before. You didn't say that  
16 he haven't answered it improperly  
17 before. This is completely  
18 inaccurate.

19 Q. So getting back to questioning.  
20 Mr. Flores, as a board member, how often  
21 are you required to meet as on behalf of  
22 Prokraft?

23 MS. VASQUEZ: Objection. You  
24 can answer.

25 A. To meet with who?



1 E. FLORES

2 Q. You know what. We'll take a  
3 step back. Do you know where Prokraft is  
4 incorporated?

5 A. Where is -- in what sensory.

6 Q. Do you know in what venue,  
7 state, jurisdiction or some other word that  
8 you may be familiar with that Prokraft is  
9 incorporated?

10 A. Is incorporated it's -- in the  
11 state of Texas.

12 Q. Do you know what the rules are  
13 with regards to board meetings for a  
14 company that is incorporated in Texas?

15 MS. VASQUEZ: Objection. You  
16 can answer.

17 A. No, I don't.

18 Q. Do you know how many times it  
19 is that as a board member for Prokraft that  
20 you meet with other board members?

21 A. Can you repeat the question,  
22 please.

23 MR. ZOHAR: Dione, can you read  
24 it back, please.

25 (Whereupon, the referred to

1 E. FLORES

2 question was read back by the  
3 Reporter.)

4 A. There is not a set schedule to  
5 my knowledge.

6 Q. Have you ever read over the  
7 papers for corporation and requirements as  
8 a board member for companies that are  
9 incorporated in Texas?

10 A. No, I have not.

11 Q. Those are documents that are  
12 maintained in the regular course of  
13 business? Papers of the corporation.

14 MS. VASQUEZ: Objection to  
15 form. You can answer.

16 A. Where?

17 Q. As a president of Torey are you  
18 familiar with papers of incorporation,  
19 documents of incorporation for that  
20 company?

21 A. In what sensory?

22 Q. Are you familiar that there are  
23 such documents of incorporation that may  
24 detail how a company is not only structured  
25 but how it is to function especially with

1 E. FLORES

2 regards to board members?

3 MS. VASQUEZ: Objection. You  
4 can answer.

5 A. I'm sure there is.

6 Q. If you're not familiar with  
7 where those documents are, do you know who  
8 in the company of Prokraft would be  
9 familiar with those papers of  
10 incorporation?

11 MS. VASQUEZ: Objection.  
12 Mischaracterizing his testimony. You  
13 can answer.

14 A. Most likely corporate attorney.

15 MR. ZOHAR: Again, we'll reduce  
16 that to writing but we're going to  
17 ask for papers of incorporation for  
18 Prokraft.

19 MS. VASQUEZ: Anything you want  
20 we're going to take under advisement  
21 and we're going to respond or object.

22 Q. Now, Mr. Flores, you stated  
23 that as a president you answer up to the  
24 board but you are -- you testified that you  
25 are a board member and, do you, in that

1 E. FLORES

2 capacity, dictate how Prokraft conduct its  
3 business?

4 MS. VASQUEZ: Objection to  
5 form. You can answer.

6 A. Can you at please elaborate a  
7 little more on the question, please.

8 Q. Do you have a say in the way  
9 that the business, Prokraft's business, is  
10 conducted; sales, marketing, warehousing,  
11 things of that nature?

12 A. I do.

13 Q. Does Prokraft have it's own  
14 warehouses other than the ones provided by  
15 Torey?

16 A. No, all products are warehoused  
17 at the location of Torey Refrigeration.

18 Q. Does Prokraft have any of its  
19 own administrative staff other than the  
20 ones that are provided by Torey?

21 A. No.

22 Q. Does Prokraft have any  
23 marketing department other than the one  
24 that's provided by Torey?

25 A. No.

1 E. FLORES

2 Q. Does Prokraft have any internet  
3 visibility in sales other than what is  
4 provided by Torey?

5 A. Sorry. The first part you got  
6 cut off. Can you repeat.

7 MR. ZOHAR: Ms. Woods, if you  
8 could, please.

9 (Whereupon, the referred to  
10 question was read back by the  
11 Reporter.)

12 A. No.

13 Q. In your capacity as president  
14 for Prokraft, are there individuals that  
15 are employed wholly by Prokraft that answer  
16 to you?

17 A. It does not have any employees.

18 Q. When you say "it," in that  
19 answer, you mean Prokraft does not have any  
20 employees?

21 A. That is correct. Prokraft does  
22 not have any employees.

23 Q. Do you have any stock ownership  
24 of Prokraft?

25 MS. VASQUEZ: Over objection.

1 E. FLORES

2 You can answer.

3 A. No, I don't.

4 Q. Do you have right of purchase  
5 of shares of Prokraft?

6 MS. VASQUEZ: Objection. You  
7 can answer.

8 A. No, I don't.

9 Q. The profits that come out of  
10 your dealings as president for Prokraft, do  
11 they go secaution (phonetic) to Torey?

12 MS. VASQUEZ: Objection to  
13 form. Can you -- I don't understand  
14 that question. Can you please break  
15 that down.

16 MR. ZOHAR: Absolutely.

17 Q. Now Prokraft is the for-profit  
18 company. Is Prokraft a for-profit company?

19 A. You froze. Can you repeat  
20 that, please.

21 Q. Is Prokraft a for-profit  
22 company?

23 A. It is.

24 Q. When those profits are  
25 generated, do they get distributed to

1 E. FLORES

2 shareholders, owners and others?

3 MS. VASQUEZ: Objection. You  
4 can answer.

5 A. I don't understand the  
6 question.

7 Q. When the monies that Prokraft  
8 earns, what do you do with those profits as  
9 president of the company?

10 A. They're in the bank.

11 MS. VASQUEZ: Objection.

12 Q. When you say the bank, you are  
13 familiar with what money expenditures go  
14 out and what profits come in as your  
15 capacity as a president for Prokraft?

16 A. Do you mean as a profit or do  
17 you mean as a specific dollar amount.

18 Q. I'm generalizing. Did you know  
19 that there are profits coming in and that  
20 there are expenditures for running that  
21 business?

22 A. Yes, I understand that.

23 Q. Do you understand also what  
24 actually comes out is a net profit when you  
25 deduct the cost of doing business?

1 E. FLORES

2 A. I understand that.

3 Q. The money that is the net, you  
4 described goes into a bank account?

5 A. That is correct.

6 MS. VASQUEZ: Object to form.

7 Q. That bank account is Prokraft's  
8 bank account?

9 A. That is correct.

10 MS. VASQUEZ: Objection to  
11 form.

12 Q. Do you see expenditures or  
13 money that is distributed from that bank  
14 account that is not for the cost of doing  
15 business; meaning to by products, goods,  
16 marketing, things of that nature. There  
17 are expenditures that are disputed. Money  
18 that is sent to people who may own Prokraft  
19 or companies or individuals?

20 MS. VASQUEZ: Objection. He  
21 can answer.

22 A. Again, I will repeat my answer  
23 for the third time. The money is -- just  
24 sits there. It's just sitting there in a  
25 bank account owned by Prokraft.



1 E. FLORES

2 It has been sitting there for  
3 the last six years from into memory that I  
4 can be very clear on that.

5 Q. Do you know who owns Prokraft?

6 A. No, I don't.

7 Q. Have you ever inquired who the  
8 owner of Prokraft is?

9 A. No.

10 Q. Are the board members of  
11 Prokraft and Torey the same?

12 A. I don't know.

13 Q. You a board member of Prokraft  
14 craft, correct?

15 A. Yes, that is correct.

16 Q. You don't know if those board  
17 members or board members that you answer up  
18 to in your capacity of the board --

19 MS. VASQUEZ: Objection. You  
20 can answer.

21 A. I don't know of board members  
22 of Torey. So I cannot say or answer your  
23 question.

24 Q. Are some of the members of the  
25 Torey board also members of the board for

1 E. FLORES

2 Prokraft?

3 A. I don't know. I don't remember  
4 the names of the Torey ones.

5 Q. But you have described to us  
6 that you've had video links with board  
7 members, correct?

8 A. Yes.

9 Q. Some of those people that you  
10 have seen and can identify, have you seen  
11 any of those individuals that are board  
12 members for both Torey and Prokraft?

13 A. Not to my recollection.

14 MS. VASQUEZ: Can we take a  
15 break, please.

16  
17 MR. ZOHAR: Yeah, absolute.  
18 Well let me just ask this, Carmen  
19 when did you want to take a break for  
20 lunch because maybe at some point  
21 we'll just do that and include this  
22 within that if you want to.

23 MS. VASQUEZ: I think just the  
24 15 minutes break for now. That's  
25 fine.

February 14, 2022

1 E. FLORES

2 (Whereupon, a short recess was  
3 taken.)

4 THE REPORTER: Mr. Evans, do  
5 you want a copy?

6 MR. EVANS: Yes, absolutely.

7 Q. Mr. Flores?

8 A. Yes, sir.

9 Q. So getting back to what I was  
10 really asking about was money and profits  
11 and I'mma just break it down. So Prokraft,  
12 itself, which you've given us some  
13 information about the company, does  
14 Prokraft, itself, have any type of assets  
15 and I'm gonna break that term down to more  
16 specific items. Okay?

17 Does Prokraft have any type of  
18 investments?

19 A. What do you mean by  
20 "investments"?

21 Q. Investments in other for-profit  
22 companies, entities, businesses, anything  
23 of that nature? Stock market, anything of  
24 that nature?

25 A. Not to my knowledge.

1 E. FLORES

2 MS. VASQUEZ: So you know what,  
3 since he's already answered the  
4 question, let's actually put  
5 something on the record. We are  
6 still in the same area.

7 Gill, I'm trying to understand  
8 why you feel that you're entitled to  
9 this information and this testimony  
10 based upon the complaint, based upon  
11 the interrogatories and based upon  
12 the production demands that you were  
13 served and in relation to this  
14 litigation. It doesn't make any  
15 sense.

16 Especially in light of the fact  
17 that you never served a rule 30 b and  
18 you have indicated that if something  
19 maybe was served but I haven't seen  
20 it.

21 So maybe it will be helpful  
22 that you send me the notice that you  
23 do have that was served and does that  
24 notice contain any of the topics that  
25 you're delving into at this point?

1 E. FLORES

2 MR. ZOHAR: Let me ask you  
3 this. You put a statement and it's  
4 fine. You absolutely have a right to  
5 put the statement for a second time.

6 Are you going to be bound by my  
7 notice, because you said that you  
8 didn't receive it.

9 MS. VASQUEZ: I didn't receive  
10 it.

11 MR. ZOHAR: But so let me ask,  
12 what is the purpose of me sending you  
13 the notice now?

14 MS. VASQUEZ: But it hasn't  
15 been sent, right?

16 MR. ZOHAR: From my  
17 understanding it was sent. You're  
18 saying it wasn't and you're saying  
19 you do not have that. I don't -- I  
20 didn't see any file so it would have  
21 been sent out through e-mail, mail  
22 and, you know -- so if you don't have  
23 that.

24 MS. VASQUEZ: I don't have it.

25 MR. ZOHAR: And I take you with

1 E. FLORES

2 your word. So --

3 MS. VASQUEZ: Does Tom have it?

4 Tom did you receive a notice.

5 MR. EVANS: No.

6 MR. ZOHAR: So my answer to  
7 that is, it is of no significance at  
8 this point to provide that because if  
9 you're saying that you didn't receive  
10 a notice, which I'm showing you it's  
11 of zero significance, and it has  
12 service addresses, but it has also  
13 the schedule which I have five items  
14 on here.

15 It is of 0 significance if  
16 you're telling me that you did not  
17 receive it, that I provide it at this  
18 point. 0 --

19 MS. VASQUEZ: Well it's  
20 naturally quite relevant. So I ask  
21 you to provide it. Let's mark it for  
22 an exhibit, at the very least, I  
23 think would probably -- would guide,  
24 you know, going forward, the topics  
25 that are going to be asked and I'm

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E. FLORES

entitled to see it, especially if  
you're claiming it was sent.

I'm assuming, right, that's the  
whole point of the notice.

MR. ZOHAR: Absolutely, but  
you've already stated and regardless  
what I sent to you it's not, from  
your position, anything about it to  
because you haven't received the  
notice. So there's no purpose of the  
notice.

I'm not sending it you. I will  
send it and make sure it goes to your  
e-mail from me because I would have  
assumed that that's how it would have  
been sent and, obviously, and I get,  
Carmen, I'll take you with your word.

I do not doubt it. But there  
was absolutely no purpose other --  
other than just try to use it in some  
manner to try to create something to  
restrict.

So in essence to abide by --  
serves your purpose so there's no

1 E. FLORES

2 notice you said. There's notice.

3 You put a statement there's no

4 notice. There's no notice.

5 MS. VASQUEZ: Well, that's the  
6 point of the notice, Gill. To kind  
7 of zero down and, you know, establish  
8 the topics that are going to be  
9 addressed at the deposition. That is  
10 the point of the notice.

11 So, yeah, I mean, I would like  
12 to see it just so we could be a  
13 little bit more restrictive and, you  
14 know, keeping with the topics of this  
15 litigation.

16 You're going into an area that  
17 has actually no bearing on this  
18 litigation, whatsoever.

19 MR. ZOHAR: I disagree. And  
20 for your purposes, there is no  
21 purpose of using that notice, which  
22 you already stated, you're not going  
23 to abide because it hasn't been  
24 served.

25 When we're done with



1 E. FLORES

2 depositions and we have further  
3 depositions I'll make sure to get  
4 that out to you.

5 MS. VASQUEZ: So, I'm just  
6 gonna ask. That's fine. I'm going  
7 to ask that you please preserve your  
8 notice. You preserve it as is for  
9 the court for the event that it needs  
10 to be brought up or addressed.

11 So please make sure that you  
12 preserve it in exactly the format  
13 that you have it today.

14 Q. So, Mr. Flores, are you  
15 familiar with any assets that Prokraft has  
16 and remember I told I broke it down and I  
17 started with investments, you said no.  
18 Does Prokraft have ownership or rights with  
19 any intellectual (phonetic) property?

20 MS. VASQUEZ: Objection. You  
21 can answer over objection.

22 A. Not to my knowledge.

23 Q. Does Prokraft file taxes?

24 MS. VASQUEZ: Objection. You  
25 can answer.

1 E. FLORES

2 A. Yes, they do.

3 Q. You had earlier stated that  
4 Prokraft has a bank account, what bank do  
5 they maintain a bank account?

6 MS. VASQUEZ: Objection. You  
7 can answer.

8 A. Bank of America.

9 Q. That is the Bank of America  
10 that we're familiar with on Continental  
11 West; is it?

12 A. I don't know over there Bank of  
13 America. So I'm assuming it's U.S. bank if  
14 that's enough verification for you.

15 Q. Yes. Now the service agreement  
16 itself, is that something that's maintained  
17 in a regular course of business that you  
18 mentioned before, the service agreement  
19 that you're acting as a president as part  
20 of?

21 MS. VASQUEZ: Objection to  
22 form. You can answer.

23 MR. ZOHAR: I will re-ask.

24 Q. Earlier you had mentioned that  
25 you were operating and acting as president

1 E. FLORES

2 of Prokraft under a service agreement with  
3 Torey?

4 A. That is correct, yes.

5 Q. Is that agreement, that service  
6 agreement, maintained in the regular course  
7 of business?

8 A. What you mean by that?

9 Q. There's actually a paper  
10 agreement in a book that details what the  
11 service agreement is?

12 A. That is correct, yes.

13 Q. That's maintained by both Torey  
14 and Prokraft?

15 A. I -- I know that is maintained  
16 by Torey Refrigeration. I don't know if  
17 Prokraft has a company.

18 MR. ZOHAR: Just for the  
19 record, we'll reduce to writing,  
20 we're going to ask for a copy of that  
21 service agreement between Torey and  
22 Prokraft which also designates --

23 MS. VASQUEZ: Objection to  
24 form. Yes, put everything in  
25 writing. Thanks.

1 E. FLORES

2 Q. Now, have you ever seen this  
3 service agreement between Torey and  
4 Prokraft?

5 A. Yes, I have.

6 Q. Do you know who the individual  
7 signators are; people who sign that  
8 document?

9 A. That's the document was signed  
10 before I was president of Torey or  
11 Prokraft. So I don't know who signed that  
12 agreement.

13 Q. All right. Now you say before  
14 that Prokraft is a corporation for-profit,  
15 do you know if Prokraft is an S  
16 Corporation?

17 A. I don't know what is that.

18 Q. Do you know if there's any type  
19 of partnership, agreement or structure that  
20 is part of Prokraft?

21 A. I don't understand your  
22 question.

23 Q. Are you familiar with a  
24 document of incorporation from Prokraft?

25 MS. VASQUEZ: Objection to

1 E. FLORES

2 form.

3 Q. Have you seen that?

4 MS. VASQUEZ: Objection to  
5 form.

6 A. I was about to ask for  
7 clarification of what you mean by  
8 incorporation.

9 Q. Have you ever seen any  
10 documents that, basically, were the birth  
11 of the company Prokraft?

12 A. Yes, I have.

13 Q. Do you remember what time, year  
14 or date that that started with Prokraft,  
15 when Prokraft was basically -- what was the  
16 ultimate result of it?

17 A. I don't know the exact date but  
18 it was prior to me becoming president of  
19 the company.

20 Q. At the time that they -- that  
21 Prokraft was created, was it always the  
22 same name, Prokraft, or had it changed  
23 names at any point?

24 A. I don't know. I mean from the  
25 time I became president it has also been

1 E. FLORES

2 Prokraft. Before that, I cannot speak.

3 Q. You already told us that these  
4 warehouse and all the departments that they  
5 would have are supplied by Torey. You said  
6 also that Prokraft does not have employees,  
7 so is Prokraft a shell company?

8 MS. VASQUEZ: Objection to  
9 form.

10 A. I don't know what's a shell is.  
11 So you -- I mean, I don't know your  
12 question.

13 Q. Have you taken any courses in  
14 the United States as far as business at any  
15 point other than what you've described to  
16 us your education --

17 MS. VASQUEZ: Objection.

18 Q. Any courses in the U.S. accept  
19 business courses?

20 A. Yes, I have.

21 Q. In what institution?

22 A. Harvard, Stamford, University  
23 of Chicago.

24 Q. These courses, are we talking  
25 -- are they online courses or anything that

1 E. FLORES

2 you physically appeared?

3 A. Physically appear.

4 Q. We'll start off with Harvard.

5 What kind of course did you take at  
6 Harvard?

7 A. Leadership. A leadership  
8 course.

9 Q. Is that in the Kennedy school?

10 A. That was, I believe, on campus.  
11 Yeah, but I don't know what specific  
12 school.

13 Q. I apologize. I heard Stamford  
14 and what was the second institution?

15 A. I said, Harvard, Stamford,  
16 University of Chicago.

17 Q. Okay. When did you take the  
18 leadership course in Harvard?

19 A. 1990 -- '99, '98.

20 Q. The Stamford course, was that  
21 in person or online?

22 A. It was in person.

23 Q. What kind of program was it  
24 that you were a part of?

25 A. Associations.

1 E. FLORES

2 Q. When did that take place?

3 A. 2002.

4 Q. How long, in total, was that  
5 course of negotiations in Stamford?

6 A. That is 2002, 2001, because I  
7 know -- it was a specific area but it was  
8 over two weeks time.

9 Q. The leadership course at  
10 Harvard, how long was that specific course?

11 A. That was a short course  
12 between, I think, two or three days.

13 Q. You also went and took some  
14 type of business course at the University  
15 of Chicago?

16 A. Yes.

17 Q. What was the specific course?

18 A. That was more executive  
19 development.

20 Q. How long was that course?

21 A. Six weeks.

22 Q. When did that take place; what  
23 year?

24 A. 2016 and 2017.

25 Q. Any of those courses, at any of



1 E. FLORES

2 those institutions, do you ever recall them  
3 describing shell corporations?

4 MS. VASQUEZ: Objection form.

5 You can answer.

6 A. Not to my recollection and I  
7 already said I don't know what's a shell  
8 corporation.

9 Q. Now, you had stated that you  
10 had now started acting as president for  
11 Prokraft and did Prokraft, specifically,  
12 design meat grinders?

13 A. No.

14 Q. Do they, in any way,  
15 manufacturer meat grinders?

16 A. No.

17 Q. Do they conduct any type of  
18 market analysis of the need for any types  
19 of need that their market would need?

20 A. I don't understand your  
21 question.

22 Q. Do they do any type of analysis  
23 to find out what the people and we're  
24 talking about retails or wholesalers, what  
25 products that they want so that they could

1 E. FLORES

2 put those products on the market?

3 A. Not a specific, um, study or  
4 program. It's basically what you see on  
5 the market, then you follow the trend.

6 Q. When you say "follow the  
7 trend," who determines what the trend is in  
8 Prokraft; is that you or someone else?

9 A. What do you mean by that?

10 Q. You just mentioned that you  
11 just followed the trend, you didn't do any  
12 analysis you follow the trend to determine  
13 what people want. And I'm asking you, is  
14 that something that you determine or  
15 someone else at Prokraft?

16 A. There was a sales manager for  
17 Prokraft that he's involved in the market  
18 and we discuss what's being sold when we  
19 talk to -- so when we see a preshow or  
20 stuff like and from there we discuss what  
21 something would be.

22 Q. What's the sales manager's name  
23 that you discussed these things with?

24 A. Carlos L-U-Z-Q-U-I-Z.

25 Q. Carlos is employed by Torey?

1 E. FLORES

2 A. He's an employee of Torey.

3 Q. Where does Prokraft receive  
4 it's grinders from -- meat grinders that  
5 are the subject of this lawsuit?

6 MS. VASQUEZ: Objection to  
7 form. You can answer.

8 A. They buy from Mexico.

9 Q. When you say buy Mexico, is it  
10 Prokraft that buys these meat grinders or  
11 is it through Torey that these meat  
12 grinders are purchased or something other?

13 A. Prokraft is a stand alone  
14 corporation. They buy from Mexico. The  
15 invoice that we reviewed shows up and the  
16 front that cover that invoice comes  
17 directly from Prokraft bank account.

18 Q. Who is the signator for that  
19 bank account to release funds or things of  
20 that nature?

21 A. I am.

22 Q. Is there anybody else that has  
23 that right to write checks from that bank  
24 account of Prokraft other than you?

25 A. Only myself.

1 E. FLORES

2 Q. Has that been the case since  
3 you been the president of Prokraft?

4 A. That is correct.

5 Q. Is that also the case since you  
6 been a board member of Prokraft?

7 A. Yes.

8 Q. Now is -- when Prokraft buys  
9 these meat grinders what I want to find out  
10 is first of all, how is it that they locate  
11 a meat grinder to purchase. Who is in  
12 charge of acquisition, in essence, for  
13 Prokraft?

14

15 MS. VASQUEZ: Objection to  
16 form.

17 A. I don't understand that  
18 question.

19 Q. Do you understand what the word  
20 "acquisition," means?

21 A. Yeah, but it's so broad of a  
22 concept.

23 Q. I'm just putting it in terms of  
24 purchasing the products which Prokraft  
25 resells?

1 E. FLORES

2 A. Yeah, but it's also a question  
3 of like, if somebody was a purchaser or  
4 somebody that goes and do any type of  
5 investigation, any type of sourcing. The  
6 term is general.

7 Q. I will break that down to make  
8 it easier. So who is, first of all, the  
9 head of acquisition for Prokraft?

10 A. I place purchase orders.

11 Q. Does anybody else place orders  
12 other than yourself on behalf of Prokraft?

13 A. One more person, only from  
14 parts.

15 Q. Who would that be?

16 A. Tracy Harris.

17 Q. Can you spell Tracy's last  
18 name?

19 A. Harris. H-A-R-R-I-S.

20 Q. Prior to you working for both  
21 Prokraft and Torey, did you ever have any  
22 type of involvement with working for or  
23 providing services to a company entity or  
24 individual that dealt with these types of  
25 meat grinders that are in the center of

1 E. FLORES

2 this case?

3 MS. VASQUEZ: Objection to  
4 form. What do you mean by these  
5 types of meat grinders? Are you  
6 talking about Prokraft meat grinders,  
7 specifically, because that's what's  
8 at the center of this case.

9 MR. ZOHAR: I don't know of any  
10 other meat grinders other than meat  
11 grinders. This is a term, yeah. The  
12 ones that were involved in -- the one  
13 that Prokraft sells, resells, yes.  
14 All of the above.

15 MS. VASQUEZ: Objection to the  
16 form.

17 MR. ZOHAR: Just you know,  
18 speaking objections, you didn't even  
19 give him a second to respond. You  
20 know what I mean? You have to give  
21 him time.

22 MS. VASQUEZ: Well he wanted  
23 clarification. Gill, if I need  
24 clarification for a question, I'm  
25 entitled to seek it for my client.

1 E. FLORES

2 MR. ZOHAR: If he understands  
3 the question. Him and everybody else  
4 here, you can't ask for clarification  
5 on every question because you so  
6 choosing don't allow the person to  
7 answer is inappropriate.

8 MS. VASQUEZ: No, it is not  
9 inappropriate. I need to understand  
10 the question. Do you want to repeat  
11 it Dione.

12 (Whereupon, the referred to  
13 question was read back by the  
14 Reporter.)

15 MS. VASQUEZ: Same objection.  
16 Are you talking about meat grinders  
17 in general or the specific one  
18 involved in this litigation.

19 MR. ZOHAR: I think the  
20 question is very clear. The meat  
21 grinder at the center of this  
22 litigation is very, very clear. I  
23 don't think it could be confused for  
24 another type of meat grinder, another  
25 type of device. So I don't

1 E. FLORES

2 understand any objection or  
3 misunderstanding from you or anyone  
4 else about that.

5 MS. VASQUEZ: Okay. So you're  
6 talking about a Prokraft meat grinder  
7 right.

8 MR. ZOHAR: The question is  
9 very, very clear.

10 MS. VASQUEZ: Objection. Okay.  
11 If that's what you're asking. Go  
12 ahead.

13 Q. Did you ever have any type of  
14 dealing, okay, same question, where you  
15 provided services, were employed by or  
16 affiliated with a company that had meat  
17 grinders identical to this regardless if --

18 MS. VASQUEZ: Objection to  
19 form. You can answer.

20 A. I can't answer that because I'm  
21 not an engineer so I don't know if their  
22 identical or something else.

23 Q. Yeah, that's not what I was  
24 asking.

25 MS. VASQUEZ: He answered.



1 E. FLORES

2 Q. You been doing this how many  
3 years now, almost 11 years with Prokraft?

4 MS. VASQUEZ: Objection to  
5 form.

6 A. I been doing what? Sorry.

7 Q. Working with Prokraft for the  
8 past, more than 10 years?

9 A. From 2012 if my memory is  
10 correct.

11 Q. You've seen meat grinders that  
12 Prokraft cells regardless of it's the one  
13 model that is involved in this lawsuit.  
14 Are you familiar with meat grinders?

15 A. Yes, I am familiar with meat  
16 grinders.

17 Q. You have had an ability to  
18 visually see them up close and put your  
19 hands on some of these devices?

20 A. Yes, I have.

21 Q. Have you also, at any time,  
22 conducted any type of testing or outsourced  
23 any testing on any of these documents?

24 MS. VASQUEZ: Objection to  
25 form. Documents?

1 E. FLORES

2 MS. ZOHAR: I'm not talking  
3 about documents.

4 MS. VASQUEZ: That's what you  
5 just said.

6 MR. ZOHAR: On these grinders.

7 A. Can you repeat the question  
8 again, please.

9 MR. ZOHAR: Dione?

10 (Whereupon, the referred to  
11 question was read back by the  
12 Reporter.)

13 Q. Either similar, identical to  
14 the one involved here or any other type of  
15 meat grinders that is used in these types  
16 of businesses?

17 MS. VASQUEZ: Objection.

18 That's like two questions.

19 Q. All right, sir. I'll break it  
20 down. I want to make it very clear. At  
21 any time in your capacity working for  
22 Prokraft, have you ever conducted,  
23 yourself, any testing on any of the meat  
24 grinders that you resell under Prokraft  
25 label?

1 E. FLORES

2 MS. VASQUEZ: Objection.

3 A. Can you repeat just the last  
4 part because they were talking offer.

5 MR. ZOHAR: Ms. Woods?

6 (Whereupon, the referred to  
7 question was read back by the  
8 Reporter.)

9 A. No, I don't.

10 Q. Have you ever outsourced or had  
11 any other individual or entity conduct any  
12 type of testing on any of the meat grinders  
13 that you sell under the Prokraft's label,  
14 either identical to the one involved in  
15 this accident or of the types?

16 MS. VASQUEZ: Objection to the  
17 form.

18 A. No, I have not. There is  
19 international testing that's been done on  
20 units -- that the U.S. market that's they  
21 assess and we use wire equipment that  
22 complies with those certifications and  
23 their responsibility to carry those  
24 certificate to buy with those  
25 certifications of the manufacturer.

1 E. FLORES

2 Q. Do you have any base of  
3 knowledge of what goes into certifications  
4 of these machines?

5 A. No, I don't.

6 Q. Do you understand what  
7 different certifications in the entities  
8 that certify these? What the requirements  
9 are for certification?

10 A. No, I don't.

11 Q. Have you ever certified any of  
12 the certifications for machines that you  
13 had received?

14 A. The equipment is listed under  
15 that ULNFF website and you can pull the  
16 certification from there. The same way for  
17 the NRC.

18 Q. Have you, though, conducted any  
19 type of review to make sure that the  
20 certifications were proper and legitimate  
21 during the time that you been acting as a  
22 president for both Torey and for Prokraft?

23 A. No, I don't.

24 Q. Have you taken any type of  
25 courses, with regard to the safety

1 E. FLORES

2 concerns, that an individual may have, when  
3 purchasing a item, such as a meat grinder,  
4 which is the subject of this lawsuit?

5 A. No, I have not.

6 Q. You had stated that you you had  
7 testified previously and we've already  
8 requested that those names of cases be  
9 produced, but have any of those been with  
10 regards or have been lawsuits within the  
11 Federal Courts?

12 A. I don't know.

13 Q. Do you know what the outcomes  
14 of those four lawsuits are that you have  
15 testified under oath such as what you're  
16 doing here today?

17 A. I -- I know one case is still  
18 open and I know the other case was, um,  
19 either settled or dismissed. But that is  
20 all my recollection.

21 Q. You see there are four --  
22 approximately, four that you entered so you  
23 just described two?

24 A. Well, I -- I testified twice  
25 for the last one.

1 E. FLORES

2 Q. The third case then that you  
3 had testified before?

4 A. What's the question?

5 Q. You had stated that you had  
6 testified under oath for bodily injury  
7 claims in your capacity on four occasions,  
8 you just know told us that one of those  
9 cases was two times that you had testified.  
10 So it's not four cases but possibly three  
11 cases and I'm asking. You said one is  
12 ongoing, one was settled, you're not sure  
13 and you said you testified for that one  
14 twice. So the fourth testimony is that  
15 case, what was the result -- end result of  
16 that case?

17 MS. VASQUEZ: Objection to  
18 form. You can answer.

19 A. That is not exactly what I said  
20 the one that I was is open. I testified  
21 twice. The only one I know that it is  
22 settled or dismissed but the other one I  
23 don't remember.

24 Q. The one that is ongoing, where  
25 is that venue? What court is it in?

1 E. FLORES

2 A. I don't know.

3 Q. Do you know what jurisdiction  
4 it's in?

5 A. I don't know.

6 Q. Do you know what state it's in?

7 A. I don't remember.

8 Q. Do you have the same attorneys  
9 representing you in those cases as who are  
10 here today?

11 A. Um, Matt Jacobson continues to  
12 be the corporate attorney for Carmen and  
13 her law firm are not involved in these  
14 cases.

15 Q. Mr. Jacobson, who is observing  
16 but not questioning today, but is present,  
17 would it be correct to state that he is an  
18 employee of Torey?

19 MS. VASQUEZ: Objection.

20 Irrelevant.

21 A. No, he's not. He is an outside  
22 Counsel.

23 Q. Okay. So he's not in house,  
24 he's outside counsel but just to Prokraft?

25 A. That is correct.

February 14, 2022

1 E. FLORES

2 Q. Now, I told you earlier I don't  
3 want to know what communication you may  
4 have had with your attorneys, but once you  
5 were notified about this case and the facts  
6 that you have to be deposed after you spoke  
7 to your attorneys, did you speak to anyone  
8 else or done any type of investigation  
9 other than searching for an invoice at some  
10 point?

11 MS. VASQUEZ: Objection. Over  
12 objection. You can answer.

13 A. No, we only search for the  
14 invoice.

15 Q. When you say "we," who are you  
16 referring to?

17 A. To the person I assigned the  
18 task to.

19 Q. Who is that person that you  
20 assigned the task to search for that  
21 invoice?

22 A. Yeraka (phonetic.)

23 Q. Is that why with a Y?

24 A. Yes.

25 Q. Can you spell the last name; is



1 E. FLORES

2 it D-A-N-T-U?

3 A. That is correct.

4 Q. Is she an employee of Torey?

5 A. She is an employee of Torey  
6 Refrigeration, yes.

7 Q. What is her title or position?

8 A. She is the administrative  
9 manager.

10 Q. Now in some of the websites,  
11 documents, Torey and Prokraft share the  
12 same address and suite and use, is that  
13 your also your understanding that they  
14 share a suite there, suite 100?

15 A. Yes.

16 Q. Does Prokraft have any other  
17 offices other than a shared office with  
18 Torey?

19 A. Not to my knowledge.

20 Q. At any point has Prokraft  
21 designed warning labels for the grinders  
22 that are the center of this lawsuit?

23 A. The design of presence of  
24 Prokraft, I haven't seen any involvement of  
25 that.

1 E. FLORES

2 Q. Does Torey have any involvement  
3 with the warnings or warning labels or  
4 items on this meat grinder in any capacity?

5 A. No, Torey is not related to any  
6 meat grinder source.

7 Q. Any of the funds that are  
8 generated by Prokraft, that you described  
9 going to a bank account, does the service  
10 agreement also entail and detail what kind  
11 of compensation or a fees are required to  
12 be paid on Prokraft's behalf to Torey?

13 MS. VASQUEZ: Objection to  
14 form. You can answer.

15 A. Yes.

16 Q. The service agreement that we  
17 will request in writing, does that have a  
18 flat fee or is there a percentages or  
19 something else to determine how much that  
20 service agreement fee would be?

21 A. It's a 20 percent straight fee.

22 Q. Are there any fees for the  
23 warehousing involved that Torey provided  
24 Prokraft?

25 A. There is a flat fee for all

1 E. FLORES

2 services rendered.

3 Q. Can you tell us what that 20  
4 percent represented and we'll start of with  
5 2021 when it's completed, the year, what  
6 the amount of that percentage in dollar  
7 terms?

8 MS. VASQUEZ: Objection. You  
9 can answer.

10 A. I don't know a specific amount.

11 Q. You're the signator, and you  
12 had stated that you're the only signator,  
13 would it be correct to assume that a check  
14 for that 20 percent might be a large amount  
15 of money that's being transferred from one  
16 corporate entity to another?

17 MS. VASQUEZ: Objection. You  
18 can answer.

19 A. It's not a single check. It's  
20 that the fees paid monthly. So I don't  
21 have a specific recollection of whatever  
22 that it is like. Asking me how much money  
23 I spent last year. If you ask me, I have  
24 no idea, and it's my money.

25 MR. ZOHAR: We are going to ask

1 E. FLORES

2 and I'll also reduce in writing for  
3 the tax documents for both Torey and  
4 for Prokraft and, specifically, those  
5 sections that have transfers of any  
6 fees between one and received by the  
7 other.

8 Q. If I were to ask you what  
9 the -- what that monthly amount is in 2021,  
10 if you had to estimate, can you tell us  
11 what that is?

12 A. From month to month. I don't  
13 know. It depends on what the month to  
14 month is like. I cannot give you a  
15 specific. If you me to make up a number.

16 Q. So we don't want you to just  
17 guess, but you can estimate. So if you can  
18 give us a window of what a low monthly  
19 sales amount is representing that first 20  
20 percent fee for service agreement or what a  
21 higher month of sales would be?

22 That's sufficient and it  
23 doesn't have to be to the penny but just in  
24 a good faith estimate from what that is  
25 sufficient.

1 E. FLORES

2 A. Top of my -- it could be  
3 between 20,000 to maybe 60,000. And that  
4 is an estimate.

5 Q. Okay. Do you have also an  
6 understanding of what the cost to provide  
7 the service is from Torey to Prokraft?  
8 What it cost you, not the warehouse  
9 facility, or to have the administrative or  
10 marketing or sales? What is the cost to  
11 Torey?

12 A. I don't know that specific  
13 number.

14 Q. Do you know what the profit  
15 margin is when you receive that 20 percent  
16 from Prokraft as the president of Torey?

17 A. I don't know.

18 MS. VASQUEZ: Objection.

19 Q. Now, can you describe the bank  
20 account for Prokraft, does Torey also have  
21 a separate bank account, not shared by  
22 Torey, by Prokraft?

23 MS. VASQUEZ: Objection. We're  
24 not here for Torey. Tories not a  
25 Defendant in this litigation. Over

1 E. FLORES

2 objection. You can answer.

3 MR. ZOHAR: He might be frozen  
4 again. Question. Withdrawn.

5 (Whereupon, a short recess was  
6 taken.)

7 Q. The grinders itself from  
8 Prokraft order the from other entities is  
9 brought to the warehouse and provided to  
10 Prokraft by Torey or someone else?

11 A. They come directly to the  
12 warehouse that's provided by Tory to  
13 Prokraft.

14 Q. Is there anything on Prokraft's  
15 behalf or yours, that you have the  
16 companies that you buy these grinders from,  
17 any personalization of any kind; with  
18 regard to machine labeling, documents,  
19 anything of that nature that is  
20 personalized for Prokraft?

21 A. Just the brand.

22 Q. When you say "just the brand,"  
23 can you tell us, specifically, what that  
24 means?

25 A. The brand logo that comes on

1 E. FLORES

2 the machine.

3 Q. Is there anything other than a  
4 brand logo that goes on the machine and is  
5 personalized at your request of direction?

6 A. I mean they place the logo on  
7 the equipment. On the -- the serial blade  
8 or the manual things like that. Those are  
9 the things that they put on the logo.  
10 That's it.

11 Q. When they come to that  
12 warehouse and we're talking about the  
13 warehouse that Prokraft is using and is  
14 provided by Torey, are they in boxes,  
15 sealed, ready to ship or is there some type  
16 of process at that warehouse where  
17 something else may have occurred; would  
18 they open up a bigger box and reduce it to  
19 a smaller box or something else?

20 A. They're sold as the package.  
21 They manufacture it.

22 Q. Now, there's also a trademark  
23 name on some of these machines; is that  
24 correct?

25 A. That you're referring to the

1 E. FLORES

2 Booker brand.

3 Q. Right. And is that also a  
4 trademark, that is owned by Prokraft?

5 A. I believe so.

6 Q. Are you familiar with an  
7 individual by the name of Martin Shift  
8 Miller (phonetic)?

9 A. No.

10 Q. Now the website, does Prokraft  
11 have its own website?

12 A. The brand Booker (phonetic) has  
13 its open web site.

14 Q. The brand Booker is owned by  
15 Prokraft?

16 A. I'm not understanding.

17 Q. In the web site that Procut has  
18 is run by Tory and it's employees; is that  
19 a correct statement?

20 A. There are basically is run by  
21 employees assigned to that account.

22 Q. And employees of Torey?

23 A. Yes.

24 Q. Who decides where to sell those  
25 types of grinders?



1 E. FLORES

2 A. I don't understand the  
3 question.

4 Q. Is there any decision of where  
5 to market those grinders?

6 A. Not particularly.

7 Q. Are those grinders sold across  
8 the U.S.?

9 A. Yes, they were.

10 Q. To include me you are east  
11 coast or west coast?

12 A. Continental US.

13 Q. Mr. Flores, if I misstate  
14 something I want you to correct me, okay?

15 A. Yes.

16 Q. Now those orders, first of all  
17 for -- that you placed, are there any type  
18 of contracts with regards to the purchase  
19 of their contract, purchase of grinders  
20 from Prokraft to the wholesaler that  
21 Prokraft buys it from?

22 MS. VASQUEZ: Objection to  
23 form. You can answer.

24 A. I don't know of any contracts.

25 Q. If there were any contracts

1 E. FLORES

2 from Prokraft who were the signators for  
3 those contracts?

4 MS. VASQUEZ: Objection to  
5 form.

6 A. I can only answer to the  
7 contracts that have been put in place. I  
8 don't know contract prior to us. Since I  
9 been president I have not sign anything  
10 contract.

11 Q. Is there anyone on behalf of  
12 Prokraft that would sign contracts?

13 A. I don't know.

14 Q. When you say "I don't know,"  
15 you described to us that there are no  
16 employees for Prokraft, you're the  
17 president of Prokraft, is there a reason  
18 why you don't know who signs contracts on  
19 behalf of Prokraft?

20 A. Well, that was the -- wasn't  
21 the question you asked me. I already  
22 answer.

23 Q. So who signs contracts on  
24 behalf of Prokraft?

25 A. I told you I already answer

1 E. FLORES

2 that. Since I become president of Prokraft  
3 and they and I don't remember any contract  
4 being signed for that purpose.

5 Q. Now, the brochures or  
6 directions that come with those machines,  
7 is that something that comes with machines  
8 from the wholesaler or something else?

9 A. Can you please elaborate.

10 Q. Do the grinder machines that  
11 come to the warehouse we just discussed?

12 A. Yep.

13 Q. Do they come with any type of  
14 directions?

15 A. They come with users manual,  
16 which is not a brochure.

17 Q. That user manual, have you  
18 conducted any type of evaluation on your  
19 own behalf of those user manuals?

20 A. No, I have not.

21 Q. If you have anybody else the  
22 individual or an entity actually conduct  
23 any type of review of those user manuals?

24 A. Not to my knowledge.

25 Q. Have you actually opened up any

1 E. FLORES

2 of those user manuals and read the  
3 instructions?

4 A. I have seen it but not the  
5 specifics.

6 Q. You earlier stated that you had  
7 testified in another case involving  
8 injuries. You didn't remember the names.  
9 I just want to ask you, are you familiar  
10 with the name Bilal Hussain (phonetic.)?

11 A. I am -- I -- not at this time.

12 Q. Are you familiar with and I'm  
13 saying each individual entity here, but  
14 this -- are you familiar New Ah Sure Bilal  
15 and People Rosary Incorporated (phonetic)?

16 A. No.

17 Q. Are you familiar with Fran  
18 Lovets Productions LLC (phonetic)?

19 A. No.

20 Q. There was a name of Tor Rey.  
21 Two words T-O-R, second word R-E-Y USA  
22 Inc., are you familiar with them?

23 A. Yes.

24 Q. Can you tell us how you're  
25 familiar with them?

1 E. FLORES

2 A. I was president of Tor Rey USA  
3 for one year and the company ceased to  
4 exist in 2012.

5 Q. Can you tell us what was the  
6 business of Tor Rey? Who was they?

7 A. They sold grinders, slicers.

8 Q. Can you tell us if they merged?  
9 When -- you said they ceased to operate,  
10 did they merge with another company?

11 A. No, they did not.

12 Q. Did they change structure and  
13 their name to some other company name?

14 A. No, they did not.

15 Q. You were president at the time,  
16 were you aware of what kind of business  
17 they were in besides them just being in  
18 grinders?

19 A. To me that's the standard of  
20 the business.

21 Q. Did they have their own  
22 facilities?

23 A. They did.

24 Q. Where were there offices  
25 located?

1 E. FLORES

2 A. Houston Texas.

3 Q. Can you tell us the street  
4 address and suite?

5 A. I don't remember the exact  
6 address but there was on Yale Street but  
7 the street is Y-A-L-E. I don't remember  
8 the number. They had their own house.

9 Q. Did they cease operations due  
10 to insolvency's?

11 A. Not to my knowledge.

12 Q. Did they see --

13 MS. VASQUEZ: I'm just going to  
14 put general objections to these  
15 questions regarding Tor Rey USA and  
16 another entity that is not the  
17 subject of this litigation, but you  
18 may continue over objection.

19 Q. Can you tell me what year it  
20 was that you were the president of Tor Rey?

21 A. I was the president, I believe,  
22 from 2011 to 2012.

23 Q. You know what we're just going  
24 to go to the next. Are you're familiar  
25 with Tor, two words, T-O-R, Rey, R-E-Y

1 E. FLORES

2 Refrigeration, Inc.?

3 A. Yes.

4 Q. Is that one in the same as what  
5 company we are now calling Torey with one  
6 word, T-O-R-R-E-Y Refrigeration Inc.?

7 A. To my knowledge Tor Rey  
8 Refrigeration has always been -- had the  
9 same name.

10 Q. Are you familiar with Tor Rey  
11 two words, just like before, Electronics  
12 Inc.?

13 A. Yes.

14 Q. Can you tell us how you're  
15 familiar with them?

16 A. That's the company that merged  
17 with Tor Rey Refrigeration.

18 Q. What was the business for Torey  
19 Electronics Inc. was in?

20 A. Electronics scales.

21 Q. What title or position did you  
22 hold with that company?

23 A. I -- I didn't have any specific  
24 title. I think it was vice president of  
25 marketing or something like that.

1 E. FLORES

2 Q. When did they merge with Tor  
3 Rey Refrigeration, Inc.?

4 A. I don't have the specific date  
5 but if I had to guess.

6 MS. VASQUEZ: Don't guess.

7 Just give your best estimate.

8 A. Best estimate is 2014.

9 Q. Did they deal with any type of  
10 meat grinders?

11 A. Who's they.

12 Q. I apologize Tor Rey  
13 Electronics, Inc.?

14 A. No.

15 Q. Do you remember giving  
16 testimony, September 9, 2020, with regard  
17 to the lawsuit of Hussain and all those  
18 individuals that I just named similar to  
19 this?

20 A. At that deposition I don't  
21 remember the specifics of that case and who  
22 was involved.

23 Q. I just want to ask you, if you  
24 know who owns or if it's not an individual  
25 what company owns Tor Rey Refrigeration?



1 E. FLORES

2 A. Tor Rey Refrigeration is owned  
3 by Femsaf Mabus, F-E-M-S-A-F M-A-B-U-S.

4 Q. Do you have any type of  
5 affiliation to Femsaf Mabus?

6 A. You mean personally?

7 Q. Yes.

8 A. I'm just a employee of Torey.  
9 I don't have any other involvement with  
10 them.

11 Q. Have you ever had any other  
12 involvement with Femsaf Mabus?

13 A. No.

14 Q. Now, Femsaf Mabus, is that a  
15 U.S. company?

16 A. That's, I believe, a Mexican  
17 corporation.

18 Q. Do you know if they conduct any  
19 business with and have any foot hole,  
20 meaning offices, warehouses, anything of  
21 that nature in the U.S.?

22 A. I don't know.

23 Q. Do you know if they're licensed  
24 to do business in the U.S.?

25 A. I don't know.

1 E. FLORES

2 Q. Do you receive any directions  
3 from anyone from Femsaf Mabus?

4 A. No.

5 Q. Do you communicate with anyone,  
6 either employed or associated either as a  
7 board member, vice president, shareholder  
8 with Femsaf Mabus?

9 A. Not to my knowledge.

10 Q. Have you ever gone to visit the  
11 facility of Femsaf Mabus?

12 A. No, I have not.

13 Q. Have you sent anyone in your  
14 position as president of Prokraft to go and  
15 inspect or visit their facilities?

16 A. No, I have not.

17 Q. Do you know what city in Mexico  
18 that they're located in?

19 A. I don't know what specific  
20 city. I know they're located in Mexico.

21 Q. Are you aware of anyone from  
22 Torey that has gone to the facility at  
23 Femsaf Mabus?

24 A. Not to my knowledge.

25 Q. Does anyone from Femsaf Mabus

1 E. FLORES

2 come to any of the board meetings for  
3 Torey?

4 A. I don't know. I have no idea.

5 MS. VASQUEZ: I'm just going to  
6 make another objection for questions  
7 regarding for Tor Rey Refrigeration  
8 and Femsaf Mabus both of which are  
9 not parties to this litigation. Over  
10 objection, you can continue.

11 Q. I'm just going to -- I'm gonna  
12 I have an item that I'm going to share.  
13 This will be Plaintiff's 2.

14 (Whereupon, invoice was marked  
15 as Plaintiff's Exhibit 2 for  
16 identification as of this date by the  
17 Reporter.)

18 So Mr. Flores, again, the same  
19 thing as before, if at any point you  
20 want me to large, flip a page, do  
21 anything of the sort, so you can see  
22 something more clear please tell me  
23 so.

24 What I'm showing you and it's  
25 being marked as Plaintiff's 2 is an

1 E. FLORES

2 owners manual. Do you see that on  
3 the screen?

4 A. I can read from the top of the  
5 paper.

6 Q. Can you tell me what brand name  
7 or trademark it is to the top right?

8 A. Prokraft.

9 Q. That would owned be Prokraft,  
10 correct?

11 A. To my knowledge it's owned by  
12 Prokraft that's correct.

13 Q. Do you see the address at the  
14 bottom on page number under the front page  
15 of the manual?

16 A. I do.

17 Q. Can you tell us what the  
18 address is?

19 A. The address of the warehouse  
20 and --

21 Q. That's the warehouse and  
22 offices of Tor Rey Refrigeration Inc.,  
23 correct?

24 A. Yes.

25 Q. You know I will tell you just,

1 E. FLORES

2 obviously I've said it a few times and  
3 sometimes it seems like it is a habit I say  
4 correct at the end of the question. I in  
5 no way want you to get in a sense that I'm  
6 insinuating what the answer is. I want you  
7 to answer whatever it is the answer to that  
8 question. I apologize that I said correct.

9 And the phone number which is  
10 noted there with an 832 area code, do you  
11 see that to the right of the address that  
12 you just read?

13 A. Yes.

14 Q. Who answers that phone?

15 A. Customer service representative  
16 for Procut.

17 Q. Would that individual be an  
18 employee of for Tor Rey Refrigeration Inc.?

19 A. Yes.

20 Q. Also it has a WWW.dotprodash hi  
21 phone something U.S. address is that the  
22 website for Procut?

23 A. Yes.

24 Q. Is that also the web site for  
25 Prokraft?

1 E. FLORES

2 A. Prokraft does not have a  
3 website.

4 Q. I apologize if I cut you off.

5 A. No, I said Prokraft does not  
6 have a website only Procut has a brand.

7 Q. This website is run by Tor Rey  
8 Refrigeration?

9 A. I believe I already answered  
10 that.

11 Q. Your answer is?

12 A. The same as before, yes.

13 Q. Have you and just to put this  
14 down, this manual shows, I don't know if  
15 you see the top left, 12 pages, is this a  
16 user manual and this one is from models, as  
17 you can see on the top right of page three,  
18 can you read to me what the model type is?

19 A. KG32.

20 Q. Is this the manual that comes  
21 preprinted with the grinders?

22 A. Apparently so.

23 Q. I know I've asked you if you  
24 conducted any type of assessments of what  
25 the warnings or, is there any alteration of

1 E. FLORES

2 any type of item that is affixed onto that  
3 machine? And I'm talking about any type of  
4 label, any type of warning, things that are  
5 glued, you know or otherwise. Is there any  
6 alterations in the warehouse of those  
7 items?

8 A. I already that -- answer the  
9 same thing. We been -- it is sold and  
10 shipped as it arrives to the warehouse.

11 Q. Is there any type of inspection  
12 to make sure that what is being ordered is  
13 actually what is coming into the warehouse  
14 when you place an order in receiving it?

15 A. Just to match. Just the  
16 matching from the PO to whatever is coming  
17 in. Some models.

18 Q. Do any of the warehouse  
19 employees open up any of the boxes to  
20 conduct any of this review?

21 A. No.

22 Q. We call it sometimes sampling  
23 where you may not open all the boxes but  
24 you will say, I will open a certain  
25 percentage of boxes to make sure that they

1 E. FLORES

2 do have the brochures in there or they do  
3 have the right item if it's being ordered,  
4 is that something that is a procedure  
5 that's followed by Procut?

6 A. No, and again I will reiterate  
7 for the third time you received and sold as  
8 is. No alteration, no packing, no labels  
9 added. Nothing done to them.

10 Q. Has anybody from Tory  
11 Refrigeration Inc., conducted any type of  
12 sampling to make sure that items that are  
13 being ordered and received in that  
14 warehouse actually are the correct items  
15 and that they do include brochures and one  
16 proper warning labels inside?

17 A. Can you stop moving the cursor  
18 around because it's getting.

19 Q. Oh, sorry.

20 A. Again, nothing is done to the  
21 units. No, the only checks and balances  
22 that are done is to make sure that the  
23 quantity order and the model order are the  
24 ones that we received.

25 Q. Now, the case that I had asked



1 E. FLORES

2 you about, the Hilal Hussain, just for the  
3 record is in Supreme Court, State of New  
4 York, County of Suffolk, under index number  
5 610126 of 2016, is that the case that was  
6 resolved or ongoing or you don't know?

7 A. I don't know this time.

8 Q. Do you remember testifying at  
9 that deposition in September?

10 A. I don't have recollection  
11 specific of the cases I been deposed.

12 Q. Can you tell us how many other  
13 cases of injury involving grinders are  
14 there that are not in -- that you're aware  
15 of?

16 A. When you say "grinders" what  
17 are we talking? Just grinders in general.

18 Q. Meat grinders, yes.

19 A. Can you repeat the full  
20 question. I can't --

21 Q. Besides the testimony that you  
22 have given on what you described as three  
23 cases and you said the last one was two  
24 which I will tell you I believe this is --  
25 this is one of them, this is the second

1 E. FLORES

2 page. Do you remember also testifying in  
3 March 17, 2021 on that same case of Bilow  
4 Hussain (phonetic) verse the group of  
5 companies that I had stated earlier?

6 A. I don't remember the specific  
7 dates. I don't remember being deposed  
8 twice for the same case. I don't know. I  
9 don't know their names involved.

10 Q. Are you familiar with also a  
11 company by the name of Tor Rey Two words,  
12 Tor Rey Techninoga Sequpeas San Marchinadi  
13 (phonetic), if I'm pronouncing it properly.  
14 Are you familiar with that company?

15 A. No.

16 Q. Torrey Electronics, was there  
17 any type of service agreement between Tor  
18 Rey Refrigeration and Torrey Electronics?

19 MS. VASQUEZ: Objection to the  
20 form and objection to questions  
21 relating to entities not related to  
22 this litigation. Over objection.  
23 You can answer.

24 A. Yes, there was.

25 Q. Was a similar service agreement

1 E. FLORES

2 in the one that is in effect now between  
3 Tor Rey Refrigeration, Inc. and Prokraft?

4 A. Can you please specify what  
5 "similar," means?

6 Q. Were you provided all the  
7 facilities warehousing, administrative,  
8 sales and marketing for a fee either flat  
9 or something other?

10 A. If memory serves correct, in  
11 the case of Torey Electronics they have  
12 their own warehouse location and Tor Rey  
13 Refrigeration have to serve the warehouse  
14 but they have their own location.

15 Q. Did Torey Electronics have any  
16 employees?

17 A. No, they did not.

18 Q. When you say that they have the  
19 facility, what kind of facility was it that  
20 they had?

21 A. It was a warehouse.

22 Q. Where was that warehouse  
23 located?

24 A. Houston Texas.

25 MS. VASQUEZ: Objection. I

1 E. FLORES

2 just want to make -- continue my  
3 objection just to reiterate my  
4 objection to questions related to  
5 entities that are not subject to this  
6 litigation. That has nothing to do  
7 with this litigation. It has nothing  
8 to do with the complaint. Objection.  
9 You can answer.

10 Q. Can you give us the address to  
11 that warehouse for Tor Rey Electronics?

12 A. I do not have the address of  
13 the warehouse.

14 Q. Was it Houston?

15 A. I said that it was in Houston,  
16 Texas. That's correct.

17 Q. Is that warehouse still in  
18 effect, currently?

19 A. No.

20 Q. Has that warehouse been  
21 acquired by Tor Rey Refrigeration?

22 A. They didn't own the warehouse.  
23 They leased the warehouse.

24 Q. So did Tor Rey Refrigeration,  
25 Inc., lease out the warehouse?

1 E. FLORES

2 A. No Torey Electronic leased  
3 their warehouse and when they merged with  
4 Tor Rey Refrigeration, like I explained  
5 previously, that warehouse ceased to exist.

6 Q. Do you recall any of the facts  
7 of the Bilal Hussain matter, the one that I  
8 just described to you that you testified in  
9 2020, '21 recently, for which there is also  
10 injuries as a result of a meat grinder?

11 A. I remember that is not Prokraft  
12 grinder that was involved in the case.

13 Q. Was it a meat grinder that was  
14 sold by one of the companies that you have  
15 some association with?

16 MS. VASQUEZ: Objection to  
17 form. You can answer.

18 A. I believe that it was sold by  
19 Terrain U.S.A.

20 Q. Does Prokraft have insurance?

21 A. Yes, it does.

22 Q. From what company?

23 A. I don't know the specifics. I  
24 think that information has already been  
25 provided.

1 E. FLORES

2 Q. Is there any type of insurance  
3 for Procut?

4 A. Procut is only a brand and it's  
5 owned by Prokraft.

6 Q. Does Tor Rey Refrigeration Inc.  
7 have insurance coverage?

8 A. Yes, they do.

9 Q. Do you know what company they  
10 have?

11 A. No.

12 Q. Who is in charge of determining  
13 which company to acquire insurance from on  
14 behalf of Prokraft?

15 A. Broker and according to the  
16 best bid and I financially I make this  
17 decision.

18 Q. Who makes that decision in Tor  
19 Rey Refrigeration Inc. with regards to  
20 insurance?

21 A. I do.

22 Q. Is that information that's  
23 maintained in the regular course of  
24 business?

25 A. Yes.

1 E. FLORES

2 Q. Is that something to attain  
3 insurance that requires a contract and a  
4 signature?

5 A. Can you please explain that  
6 question.

7 Q. In acquiring insurance on  
8 behalf of Prokraft, does that require the  
9 contract and a signature?

10 A. I have to sign for it, yes.

11 Q. Is that the same case with  
12 regards to insurance by Tor Rey  
13 Refrigeration Inc.?

14 A. Yes.

15 Q. When you had knowledge, even  
16 though you don't remember the exact name,  
17 I'm just gonna take this off the screen and  
18 everything will also e-mailed to Ms. Dione  
19 Woods after the deposition.

20 Do you remember when was the  
21 year that you first became aware of the  
22 first accident involving bodily injury and  
23 came across your way because you said there  
24 were three cases; one existing, one that  
25 may have been settled and dismissed and one

1 E. FLORES  
2 that you're not sure. Do you remember what  
3 year was the first one that you became  
4 aware of?

5 MS. VASQUEZ: Hold on. What  
6 are we talking about; are you talking  
7 about Procut, are you talking about  
8 -- what are you talking about,  
9 specifically? You never clarified  
10 that on the record with Mr. Flores.

11 Q. I'm not asking Prokraft. I'm  
12 not asking Tor Rey. He said he testified  
13 four times, two times with the last one and  
14 I just want to find out, out of those three  
15 because he testified twice in one, those  
16 four testimonies, when was the first time  
17 that he was aware of a lawsuit that  
18 involved injuries with the grinder, bodily  
19 injury claim against whichever companies  
20 that you testified on behalf?

21 MS. VASQUEZ: Objection to the  
22 form of the question. Over  
23 objection. You can answer.

24 A. I don't remember the year.

25 Q. Was that at the outset, the



1 E. FLORES

2 beginning of your 10 years of president for  
3 either Prokraft or Tor Rey Refrigeration  
4 Inc. or something else?

5 A. I don't remember.

6 Q. Do you remember if there was  
7 any type of investigation to review the  
8 products that Prokraft was selling or Tor  
9 Rey, for that matter, any of the companies  
10 that you may have been testifying on  
11 behalf, do you know if there was any type  
12 of review of the products once that lawsuit  
13 came about?

14 MS. VASQUEZ: Objection. Can  
15 you please break up that question,  
16 Gill, specifically, to Prokraft or,  
17 specifically, to any other entities,  
18 please.

19 MR. ZOHAR: I'll tell you the  
20 reason why I come, there's a  
21 multitude of cases, you know, I don't  
22 know who he testified because he  
23 doesn't remember who he testified.  
24 So I'm leaving that open and then  
25 we'll kind of go through it after he

1 E. FLORES

2 gives me a response.

3 MS. VASQUEZ: Well, he kind of  
4 gave you an open response before and  
5 you still a -- we're here for a  
6 grinder, nothing else. So I'm asking  
7 when you're going to get to that.  
8 Over objection. You can answer.

9 MR. ZOHAR: I mean, Carmen, I  
10 don't want to say these things.  
11 They're very obvious to anyone  
12 listening to this so I want to keep  
13 it open and I'm not going to narrow  
14 it down to one. I will do all of the  
15 about.

16 Q. So, do you remember if there  
17 was any type of action to an investigator  
18 or look into the product that may have  
19 caused injury to that person that brought  
20 that first claim where you testified?

21 MS. VASQUEZ: Objection to the  
22 form of the question. It's very  
23 vague and I don't know. You know  
24 what, I can't let him answer that  
25 question. It's way too vague. Any

1 E. FLORES

2 products out in the world. Come on  
3 Gil, please.

4 MR. ZOHAR: Carmen, we're going  
5 to have an issue here because you,  
6 again, making objections. You don't  
7 let him have a second before -- even  
8 though he's about to answer, you  
9 don't give him a second where he's  
10 uncertain and anything. You have a  
11 speaking objection. It is  
12 inappropriate.

13 MS. VASQUEZ: Your questions  
14 are inappropriate. We're here for a  
15 Prokraft machine.

16 MR. ZOHAR: I don't know who  
17 Prokraft is under the testimony here.

18 MS. VASQUEZ: I'm not saying  
19 that you shouldn't ask questions  
20 about the other one. But I'm saying  
21 ask about the Prokraft machine as  
22 well.

23 You're asking the same question  
24 over and over again, just generally.  
25 You're never narrowing it down.

1 E. FLORES

2 You've asked already about grinders  
3 in general.

4 MR. ZOHAR: Carmen, can he  
5 answer the question. You know he has  
6 to answer the question.

7 MS. VASQUEZ: Ask the question  
8 again, please.

9 MR. ZOHAR: Ms. Woods.  
10 (Whereupon, the referred to  
11 question was read back by the  
12 Reporter.)

13 MS. VASQUEZ: Over objection.  
14 If you understand that question,  
15 please go ahead, Mr. Flores.

16 A. I can understand what you're  
17 asking since I already answered that, I  
18 don't know when the first time was. I have  
19 no idea specifics about how can I answer  
20 that.

21 Q. We're going to get into that.  
22 I want to make sure it's clear. How many  
23 accidents are you aware of with regard to  
24 meat grinders on a daily basis?

25 MS. VASQUEZ: Objection. Over

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E. FLORES

"meat grinders." What meat grinders?  
This is the issue we're having here  
Gill, you're asking like for any meat  
grinders in existence.

MR. ZOHAR: Carmen, again  
speaking objection. When you say if  
he understands but you don't give him  
an opportunity is not.

MS. VASQUEZ: No, I'm objecting  
to the question.

MR. ZOHAR: I understand you're  
objecting but if he's not sure  
because, maybe he hears a lot about  
these things. I don't know where the  
confusion is because I would always  
think that a person of a company they  
would get sued and knows about injury  
would know every one of those cases  
in detail.

Absolutely. But it's okay. I  
mean some people's memory is poor and  
that is acceptable for me on my  
behalf, but I want to move on, but he  
doesn't understand things such as,

1 E. FLORES

2 you know, if he was a president of  
3 another company. I find that hard to  
4 believe, but it's okay. I want him  
5 to testify truthfully lee.

6 MS. VASQUEZ: Agreed. 100  
7 percent.

8 Q. So, Mr. Flores, how did you  
9 hear about accidents where meat grinders  
10 that one of the companies, whatever company  
11 that you're associated with, because  
12 there's quite a few here, there is more  
13 than one or two, how many times have you  
14 been notified about people being injured by  
15 those products?

16 MS. VASQUEZ: At what time  
17 frame?

18 Q. During the time of his  
19 association with those companies from that  
20 initial -- he took his position as  
21 president with Tor Rey Refrigeration Inc.?

22 A. When you say "those companies,"  
23 I mean, I been working since I been 21  
24 years old. That's a really prude  
25 (phonetic) question you're asking about.

1 E. FLORES

2 Let me answer. I will tell you, it is not  
3 common on the -- since 2012 that I became  
4 president Prokraft they sold grinders every  
5 year, this is the first case that involves  
6 a Prokraft grinder.

7 So it's not uncommon. It's not  
8 going to happen every day and it is not  
9 something you wanna keep a recollection of  
10 because --

11 Q. I didn't ask about Prokraft  
12 grinder, I asked about grinders, meat  
13 grinders. Generally, you testified before  
14 Mr. Flores --

15 A. I.

16 Q. One person at a time.

17 A. I haven't finished my answer.

18 Q. Then go ahead.

19 A. So I already testified to that.  
20 The only cases and that's the only cases I  
21 know of.

22 Q. So you in your answer just said  
23 you worked in a lot of places but I asked  
24 you before, other than Tor Rey  
25 Refrigeration Inc. and you said there was

1 E. FLORES

2 no meat grinders there and then we got onto  
3 Prokraft. But that wasn't the only company  
4 that you dealt with meat grinders because  
5 you just testified on Tor Rey U.S.A that  
6 dealt with meat grinders, correct? Is that  
7 correct?

8 A. That was the question you asked  
9 before.

10 Q. Is that true, that's more than  
11 one, not just Prokraft, but now Tor Rey  
12 U.S.A is also a company that you also dealt  
13 with meat grinders?

14 A. Yes, it was.

15 Q. Do you know what the name of  
16 the labels were on the machines at that  
17 time?

18 A. They were name brand.

19 Q. Did they have any other brand  
20 names on the machines or Tor Rey?

21 A. Not to my knowledge.

22 Q. When you say, not to your  
23 knowledge, you don't know what names or  
24 there were no names? I don't know what  
25 that means. If you can just kind of give



1 E. FLORES

2 us a great understanding of what you're  
3 response me?

4 A. During one year of rose of for  
5 /RAOES U.S.A. they only sold the Tor Rey  
6 brand grinders.

7 Q. In any of those companies,  
8 meaning those two, is there another company  
9 that you dealt with sense you been working  
10 from childhood that dealt with meat  
11 grinders?

12 A. No.

13 Q. In those two companies that  
14 dealt with meat grinders, do you recall, at  
15 any point, when you were notified that  
16 there was an injury as a result of using a  
17 meat grinder, did you conduct and have any  
18 type of protocol to investigate and look  
19 into those machines to make sure that they  
20 were safe?

21 A. No, I did not.

22 Q. Did you have any outside entity  
23 or individual conduct that on your behalf  
24 or the company's behalf?

25 A. I don't know at this time.

1 E. FLORES

2 Q. Would there have been anyone  
3 else other than a president that would you  
4 have determined who and contracted for  
5 those services of inspection of those  
6 machines following notification of an  
7 injury by a meat grinder?

8 A. I assume the insurance company  
9 will do that.

10 Q. Do you know that for a fact if  
11 that was ever done?

12 A. No.

13 Q. Did you take any steps towards  
14 that end of inspecting and making sure the  
15 machines were safe?

16 A. Can you let me finish what I  
17 said. No, I don't know if that was  
18 conducted or not during the cases. I think  
19 that's something that the insurance  
20 companies should do.

21 Q. Are you done with your answer?

22 A. Yes.

23 Q. I just want to make sure I'm  
24 not cutting into your answer. So did you  
25 understand you assume the insurance

1 E. FLORES

2 company, but did you take any steps in any  
3 of those capacities at either of those  
4 companies, to conduct any type of review of  
5 the machine, inspection, in-house or  
6 outside source?

7 A. No, I did not. As I previously  
8 mentioned.

9 MR. ZOHAR: Let's just take  
10 that five-minute break. I'll be  
11 right back.

12 (Whereupon, a short recess was  
13 taken.)

14 Q. So what's your involvement as  
15 far as the market is concerned of the  
16 Procut and Prokraft meat grinders?

17 A. Can you please explain a little  
18 bit more about the marketing.

19 Q. If there are, there is a  
20 website which you've have already stated,  
21 there is a web site that's run by Tor Rey  
22 Refrigeration Inc., and what involvement do  
23 you have; meaning, what content is on the  
24 website, what things are written in  
25 brochures, things of that nature? What

1 E. FLORES

2 level of involvement do you have?

3 A. The marketing materials  
4 included the website for our brochure  
5 beside a gathering of information, that  
6 comes from the manufacturer and the job  
7 that we do, it is the same as a LLC or  
8 marketing agency that you hire and  
9 basically that information is gathered from  
10 the manufacturer and you just put in a nice  
11 friendly way.

12 Q. So whatever there is already  
13 you just use in the website describing  
14 whatever it is yourself but that's coming  
15 from another party. Just correct me if I'm  
16 mistaken. Is that what you're saying?

17 A. The information that we use on  
18 the website it comes from the manufacturer  
19 and, basically, is other portrayed in a  
20 nice looking way.

21 Q. Okay. Is it altered, changed,  
22 things added in there, other than what's  
23 been given by that third-party?

24 A. I mean, if they can have  
25 corrections in terms of it is a typo or

1 E. FLORES  
2 handwritten in English properly, things  
3 like that, but the core of the information  
4 just comes by the manufacturer.

5 Q. How does that information get  
6 to Tor Rey Refrigeration Inc., which owns  
7 Prokraft to Prokraft and to Procut, is that  
8 via an e-mail or a document sent. How is  
9 that transferred that information to those  
10 companies to put it on the web site?

11 MS. VASQUEZ: Can you -- Dione  
12 can you read the question again,  
13 please. I just want to make sure I  
14 understand what you're saying, Gill.

15 MR. ZOHAR: Yeah, no problem.

16 (Whereupon, the referred to  
17 question was read back by the  
18 Reporter.)

19 MS. VASQUEZ: I just want to  
20 make an objection because there's no  
21 testimony that refrigeration, Tor Rey  
22 Refrigeration owns Prokraft. As far  
23 as I've heard this whole time and  
24 that's nothing in the record that  
25 says that so.

1 E. FLORES

2 I just want to make sure that  
3 it's clear. That there was no  
4 testimony about that and if you need  
5 to clarify that.

6 MR. ZOHAR: That's fine.

7 Q. Yeah, just the transfer of data  
8 that is received from these other parties.  
9 How is that transferred to the website?  
10 Real easy. The core of the question. Do  
11 you understand that, Mr. Flores?

12 A. Yes, there was some noise in  
13 the background so I was waiting for that  
14 too. We received the information. The  
15 person that measures the marketing side in  
16 Tor Rey Refrigeration is basically the  
17 information and the way if you asking about  
18 the specific media it comes usually by  
19 e-mail.

20 MS. VASQUEZ: Are we taking a  
21 break or? You're on mute.

22 Q. I'm just gonna ask some  
23 pedigree information I didn't bother with.  
24 If you were to describe your duties and  
25 responsibilities as a president of,

1 E. FLORES

2 starting with Prokraft, can you tell us  
3 what are those?

4 A. I oversee the course of the  
5 business, make sure that -- that -- that --  
6 that bills are paid, that the inventory is  
7 correct, that we pay our bills, that the  
8 taxes are filed. I mean just a general  
9 version of business.

10 Q. Does anybody in Prokraft have,  
11 other than yourself, have a right to make  
12 those kinds of decisions that you just  
13 described?

14 A. Prokraft has no employees. I'm  
15 the one that makes those calls.

16 Q. Just the same question at Tor  
17 Rey. Are those the similar duties or are  
18 there something else?

19 A. They're similar duties with the  
20 difference of Tor Rey.

21 Q. Do any employees in Tor Rey  
22 Refrigeration Inc., have the right to just  
23 make those types of decisions of what will  
24 be on a web site without your consent?

25 A. When you say "the right," what

1 E. FLORES

2 do you mean by that?

3 Q. Do they have the ability to do  
4 things on their own and they don't have to  
5 check with you to give the thumbs up to do  
6 something on the website?

7 A. They can do that.

8 Q. I don't know if that was clear?  
9 I still couldn't hear you.

10 A. Yes, they can do that.

11 Q. So your employees at Tor Rey  
12 Refrigeration, they can just respond on  
13 their own, they can make changes to the  
14 website without getting authorization from  
15 you?

16 A. Yes.

17 Q. Who was employees that have  
18 that kind of authority?

19 A. Tor Rey Refrigeration, Inc.,  
20 well they mark the manager and the other  
21 one would be the sales manager assigned to  
22 the Procut brand?

23 Q. Who was, again, the market  
24 manager?

25 A. We don't have anybody at this



1 E. FLORES

2 time.

3 Q. Who was the last marketing  
4 manager?

5 A. I don't remember the name.

6 Q. That would be information that  
7 you would have within your company records  
8 maintained in the regular course of  
9 business?

10 A. Yes.

11 MR. ZOHAR: We're going to  
12 request the name of the last  
13 marketing manager if they're no  
14 longer employed then we want their  
15 last known address also.

16 Q. Yo said the sales manager, who  
17 is the sales manager that would you have  
18 that kind of authority to make changes  
19 without your consist?

20 A. Carlos Muzquiz, M-U-Z-Q-U-I-Z.

21 Q. So does Carlos Muzquiz have any  
22 type of position other than salesman such  
23 as a board member or shareholder?

24 A. No.

25 Q. The marking manager that would

1 E. FLORES

2 have that authority to make changes without  
3 your consent, were they boards members,  
4 shareholders or some other type of  
5 ownership interest in Tor Rey Refrigeration  
6 Inc.?

7 A. No.

8 Q. Do either of the marketing or  
9 sales manager have any type of position,  
10 board member, shareholder or have any  
11 monetary interest in ownership of Prokraft?

12 A. No.

13 Q. Now, do you know who actually  
14 is the manufacturer of the meat grinder  
15 that is at the center of this lawsuit?

16 A. Yes, the one on the invoice.

17 Q. Is it Fabricantes De Equipos  
18 Para?

19 A. Yes.

20 Q. Do you have, just to make sure,  
21 do you have any association with that  
22 company we just mentioned that is the, what  
23 you're saying, the manufacturer of this  
24 meat grinder at issue in this lawsuit?

25 A. Do I have, I don't.

1 E. FLORES

2 Q. Did they have any ownership  
3 interest in either Tor Rey Refrigeration  
4 Inc. or Procut?

5 A. Not to my knowledge.

6 Q. Are they licensed to do  
7 business in the United States?

8 A. I don't know that.

9 Q. And how familiar are you with  
10 the meat grinder that's at issue in this  
11 case and it's been a couple of different  
12 model numbers but the one that had been  
13 provided the most really is KG32. Are you  
14 familiar with some of the features of that  
15 device?

16 A. Generally, yes.

17 Q. Have you ever used one of those  
18 yourself?

19 A. No.

20 Q. Has that machine ever been used  
21 with you standing present and observing it  
22 being used?

23 A. You mean the specific KG32 or  
24 you mean in general?

25 Q. KG32?

1 E. FLORES

2 A. I don't remember.

3 Q. I don't have that much more.

4 Are you familiar with warning signs that  
5 are affixed to the KG32?

6 A. I know that there are signs  
7 attached to it.

8 Q. Are you familiar with what  
9 those warning signs include on them?

10 A. No.

11 Q. Are you familiar with what size  
12 of the warning labels or signs are under  
13 the KG32?

14 A. I don't know the specific size.

15 Q. Have you ever looked at what  
16 the lighting may be on any of those  
17 warnings?

18 A. I don't remember the specifics.

19 Q. Do you remember if there were  
20 any pictures to kind of describe a warning  
21 for people that's on those machines?

22 A. I'm assume so. I don't know.

23 Q. Do you know what the size of  
24 those warning labels are?

25 A. I think I already answered

1 E. FLORES

2 that. I don't know.

3 Q. I'm sorry if I asked again.

4 And are you familiar with any type of  
5 emergency shut offs on that machine the  
6 KG32?

7 A. Just the switch on and off.

8 Q. Do you know if there are  
9 specific switches that make it easier for  
10 if someone has an accident with the meat  
11 grinder to turn that off. Not just a  
12 simple on off switch, but something that  
13 would be visible and obvious to a person to  
14 press?

15 A. I'm not aware of that.

16 Q. Do you know if those switches  
17 employ any type of very vibrant colors or  
18 specific changes or sizes that  
19 differentiate between the on and off  
20 switch?

21 A. I don't know. I'm not involved  
22 with this side so I don't know.

23 MR. ZOHAR: I do not have  
24 anything further. Mr. Flores, I  
25 really thank you for your time here

1 E. FLORES

2 today and I wish you well.

3 THE REPORTER: Does everybody  
4 want copies? Whoever is supposed to  
5 get a copy.

6 MS. VASQUEZ: Yes.

7 MR. EVANS: Yes.

8 MR. ZOHAR: Yes.

9 EXAMINATION BY

10 MR. EVANS:

11 Q. Good afternoon, Mr. Flores. My  
12 name is Tom Evans. I'm an attorney with  
13 Congdon Flaherty O'Callaghan. I represent  
14 the third-party Defendant, Karzinka in this  
15 matter. I just have some follow-up  
16 questions for you concerning the KG32 meat  
17 grinder. You said that you're familiar  
18 with the operation of that machine and the  
19 parts on that?

20 A. I'm familiar with the operation  
21 of the machine, the parts, not specifics,  
22 but for the most part.

23 Q. Do you know if that machine was  
24 equipped with safety guard from the  
25 manufacturer?

1 E. FLORES

2 A. Yes, it is. It is something  
3 affixed guard to the head stock.

4 Q. Okay. And you said safety  
5 guard comprised of a certain type of metal?

6 A. I don't know the components of  
7 the manufacturer so I couldn't.

8 Q. Do you know how it's affixed to  
9 the head stock?

10 A. I don't know the specifics of  
11 how it was defined.

12 Q. You said that it was a  
13 permanent fixture, correct?

14 A. Yes.

15 Q. It's not to be removed. It's  
16 not a removable device?

17 A. It's not a removable device. I  
18 mean, it's not a removable device.  
19 Everything is sold separately. Everything  
20 comes as one piece and it's something that  
21 you can buy, one part as needed, then you  
22 have to get the head stock.

23 Q. If one wanted to remove that  
24 safety guard, how would that be  
25 accomplished?

1 E. FLORES

2 A. I never tried to do that. I  
3 assume that it has to be done in person and  
4 use a machine or some kind of force like  
5 very strong so.

6 Q. Because the metal would have  
7 been -- would have to be cut, right?

8 A. Would have to be cut tell yes.

9 Q. The machine also came with a  
10 plunger, correct?

11 A. It does come with a plunger,  
12 yes.

13 Q. What the purpose of the  
14 plunger?

15 A. So that they can use it to push  
16 the meat and they don't have -- I mean,  
17 this is the safest way to do so.

18 Q. Keep your hands away from the  
19 head stock opening, correct?

20 A. Yes, and it's also more  
21 sanitary.

22 Q. Are you aware of any entity or  
23 industry standards regarding whether or not  
24 these meat grinders can be sold with  
25 removable safety guards?



1 E. FLORES

2 A. No, I don't know. I don't know  
3 the specifics about -- about industry  
4 standards.

5 Q. Okay. Do you know what the  
6 composition of the head stock is in terms  
7 of metal?

8 A. Don't.

9 MR. EVANS: Okay. I have  
10 nothing further. Thank you Mr.  
11 Flores.

12 MR. ZOHAR: I got a couple of  
13 questions.

14 EXAMINATION BY

15 MR. ZOHAR:

16 Q. So does Prokraft buy Tor Rey  
17 Refrigeration Inc., provide the call  
18 center, for assistance, for people who  
19 purchase this type of equipment, meat  
20 grinders such as the one such as this one?

21 A. If a warranty or need or a call  
22 is made they usually contact the dealer  
23 directly and the dealer will call the line  
24 up and yes if there is a line issue or  
25 something that needs to look after then

1 E. FLORES

2 there is something we should dispatch to  
3 everybody permission then they will do  
4 assessment and they will file or come back  
5 with whatever reason may be.

6 Q. If there is an issue under  
7 warranty is that something that a  
8 individual would purchase one of these meat  
9 grinders would have it sent back to, um,  
10 either Prokraft, you know, or someone else?

11 A. Um, no drive a plane, where  
12 should they do a service, they have to have  
13 proof of purchase and also provide a  
14 description via photograph or video to let  
15 us know what's wrong with it and then  
16 according to it then the technician will be  
17 dispatched and they can review it to see if  
18 it's natural manufacturer defect or it just  
19 misused by the technician.

20 Q. So this technician, is that a  
21 outside contractor for Prokraft or  
22 in-house?

23 A. It is a third party. It's  
24 contracted by Prokraft to render the  
25 service.

1 E. FLORES

2 Q. Who determines, by Prokraft,  
3 who can be a certified technician for these  
4 and is allowed that to provide that service  
5 on your behalf?

6 A. There are -- I mean their calls  
7 for service for this are rare. Usually  
8 depends on the location of the issue. And  
9 they could be, sometimes it's a -- a  
10 technician that is in-house or the dealer  
11 that sold the unit, sometimes it's a  
12 technician and you trust and if none of  
13 those then we come in and we try to find  
14 out why they have, obviously, the  
15 credentials the experience to deal with it.

16 Q. Does it occur that people bring  
17 machines that need repair and it is  
18 observed that there is no guard on top of  
19 the feeder?

20 A. I don't know if that -- again,  
21 that's not a manufacturer defect. If  
22 somebody called then we have to just buy  
23 em. I believe is that not something that  
24 can be sold because, again, it was a part  
25 where it was purposely broken.

1 E. FLORES

2 Q. If that's seen by any of the  
3 outside contractors that have a contract  
4 with Prokraft, if they see something like  
5 that, is there some type of procedure and  
6 protocol to take that machine out of usage  
7 under the circumstances?

8 A. That depends on how and what  
9 does the technician reports. There is no  
10 special call to report that. They just got  
11 to deal with whatever the issue is being  
12 noted or specified.

13 Q. Right. If that occurred will  
14 they have seen machines brought in for  
15 repair or have been serviced by these  
16 outside contractors for Prokraft. Were  
17 they observed the guard rail had been taken  
18 off?

19 A. Not to my knowledge.

20 Q. Is that something that would be  
21 documented by these third-party service  
22 providers?

23 A. Only if it was an issue  
24 regarding that, specifically. They -- if  
25 they have stop they can report it or not

1 E. FLORES

2 but that's not something that falls into  
3 protocol.

4 Q. If they were to see something  
5 like that is there any type of procedure or  
6 protocol to send a letter to anyone that  
7 may possess this machine detailing the  
8 hazards and that this is not a product that  
9 Prokraft sells in that --

10 MS. VASQUEZ: Objection to  
11 form. You can answer.

12 A. There is no specific protocol  
13 for that. Again, that's not something that  
14 we see so cannot not put a protocol on this  
15 is.

16 Q. Are you aware that these guards  
17 under certain circumstances by more small  
18 aver/SKHOL operate, that use these types of  
19 machines, delis and meat wholesalers that  
20 they're easily removed?

21 A. The guard is made to be  
22 permanently affixed. It is like you agree  
23 to can you tell down by whatever is  
24 available to do so. It this not removable.

25 Q. Have you ever observed any type

1 E. FLORES  
2 of testing to see how easily or how  
3 difficult it may be to remove one of these  
4 guards?

5 A. No, not a test. I saw one  
6 person try to do it purposely and they  
7 don't do it. He was using a hammer.

8 Q. Right. When was this  
9 demonstration that you observed, when did  
10 this occur?

11 A. It was in a trade show.  
12 Somebody tried to do a challenge and see if  
13 he was strong enough to break it.

14 Q. Where was this trade show?

15 A. I think it was in Chicago. It  
16 was a dinner show and that he was after the  
17 show when the show ended.

18 Q. So is that something that  
19 Prokraft does, going to trade shows across  
20 the nation, different facilities?

21 A. Not across the nation we only  
22 go to our show in Chicago and one in  
23 Florida.

24 Q. Those are the like the big  
25 shows in the industry?

1 E. FLORES

2 A. Yes, they are.

3 Q. Besides this one, have you ever  
4 seen anyone that have removed any of these  
5 types of bars that are on the lever?

6 A. No, I have not.

7 Q. Are you aware that this is  
8 something that does occur on these types of  
9 machines?

10 A. Well, apparently for this case  
11 it seems like it was the bar were not in  
12 place so it was removed.

13 Q. You said that there is a  
14 warranty, what is the warranty link on the  
15 KG32?

16 A. When you get parts and labor.

17 Q. Is that the extent, the full  
18 extent of the warranty?

19 A. Yes.

20 Q. Now, the labels that are  
21 affixed does Prokraft or Tor Rey  
22 Refrigeration, in any manner, or -- meaning  
23 Tor Rey Refrigeration Incs. employees for  
24 warranty other than the name Prokraft, do  
25 they take part in the creation of

1 E. FLORES

2 warranties?

3 A. No.

4 Q. Do you know what the durability  
5 of what those warning labels are when they  
6 are affixed to those machines, as to how  
7 long they are supposed to last and be  
8 visible on those machines?

9 A. I have no idea.

10 Q. Do you know what the actual  
11 strength, I understand that you don't know  
12 what the material is on that guard, but are  
13 you familiar with any type of systems that  
14 if someone were to disable and take over  
15 that guard that it would disable the  
16 machine from operation?

17 A. Can you re-ask me the question,  
18 please.

19 MR. ZOHAR: Ms. Woods, if you  
20 could.

21 (Whereupon, the referred to  
22 question was read back by the  
23 Reporter.)

24 A. I mean there is, it's a  
25 permanently affixed guard and that is



1 E. FLORES  
2 smooth to let you know that it shouldn't be  
3 removed and in a sense it would be like  
4 somebody going to cut the brakes of a car.  
5 So I think it's -- that's basically what  
6 the guard is for.

7 Q. My question was, are you  
8 familiar with any system that would prevent  
9 the machine from hovering if that guard was  
10 removed?

11 A. Do you mean like other ones  
12 gk32.

13 Q. Other that use these type of  
14 guards on the meter tubes on the meat  
15 grinders, yes?

16 A. I cannot attest for all the  
17 grinders of the world but in this  
18 particular one I -- I don't -- I don't  
19 think they have any other system but they  
20 are permanently affixed.

21 Q. I don't know if you're aware  
22 but there was an inspection of a machine  
23 that was conducted on, I believe, Friday,  
24 right?

25 MR. EVANS: Yes.

1 E. FLORES

2 Q. It was supposedly the same  
3 machine and I wanted to find out from you  
4 if you're aware that that machine would be  
5 identical to the one that was used at the  
6 time this accident occurred? Obviously, if  
7 there was items altered, but is it the  
8 identical make and model?

9 A. I don't know which one you guys  
10 inspected so I don't have that information.  
11 I wasn't present at the time.

12 Q. Have Prokraft or Tor Rey  
13 Refrigeration, Inc. maintain any steps to  
14 enhance any of the safety items, on any of  
15 those machines, including the KG32 since  
16 the time that you been a president?

17 MS. VASQUEZ: Objection to  
18 form. You can answer.

19 A. We comply international  
20 standard so I can -- that is a call that  
21 has to be back by whoever approves for the  
22 guys to be sold, so it is not a call made  
23 on the company itself.

24 There has been an entity that  
25 has ruled that mechanism to be unsafe. So

1 E. FLORES

2 I don't see why it should be changed.

3 Q. So is your answer, no, that  
4 there has been no effort on the part of the  
5 Rey Torey Refrigeration Inc., or Prokraft.  
6 I just want to make sure that you answer my  
7 question. It sounds like a statement other  
8 something other than a yes or no.

9 A. No, you didn't ask for a yes or  
10 no sir.

11 Q. I will ask that now.

12 A. Okay.

13 Q. Yes or no, did Prokraft or Tor  
14 Rey Refrigeration Inc. take any steps at  
15 any point during the time that you been  
16 president of these companies to enhance the  
17 safety of those machines in any manner?

18 MS. VASQUEZ: Objection to  
19 form. You can answer.

20 A. Tor Rey has no involvement in  
21 on this grinders obviously they got to stay  
22 on the matter and Prokraft, no.

23 Q. Would you agree then that you  
24 say Prokraft, no, but Tor Rey has no  
25 involvement but you understand that it is

1 E. FLORES  
2 the employees of Tor Rey Refrigeration  
3 Inc., that are working under the name of  
4 Prokraft?

5 MS. VASQUEZ objection to form.

6 Q. You do understand that, yes?

7 MS. VASQUEZ: He's already  
8 testified about that, yes.

9 MR. ZOHAR: I know but, you  
10 know, he's separating the two as if  
11 there is no involvement and I want to  
12 make sure that he understands  
13 employees of Tor Rey Refrigeration,  
14 if they're working on behalf of  
15 Prokraft brand and sales,  
16 administrative, warehousing,  
17 marketing, have they taken any steps,  
18 any of those departments or any of  
19 those employers of Tor Rey  
20 Refrigeration Inc. that are working  
21 under the name of Prokraft to improve  
22 the safety measures of that meat  
23 grinder the KG32.

24 MS. VASQUEZ: Objection. The  
25 question had been answered already.

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E. FLORES

MR. ZOHAR: No, no he never  
answered it.

MS. VASQUEZ: Over objection.  
He can answer it now.

A. No.

MR. ZOHAR: Thank you very  
much. Nothing further.

MR. EVANS: Nothing further.  
Thank you.

(Whereupon, at 3:56 P.M., the  
Examination of this witness was  
concluded.)

° ° ° °

February 14, 2022

1 E. FLORES

2 D E C L A R A T I O N

3  
4 I hereby certify that having been  
5 first duly sworn to testify to the truth, I  
6 gave the above testimony.

7  
8 I FURTHER CERTIFY that the foregoing  
9 transcript is a true and correct transcript  
10 of the testimony given by me at the time  
11 and place specified hereinbefore.

12  
13  
14  
15 \_\_\_\_\_  
16 EDUARDO FLORES

17  
18  
19 Subscribed and sworn to before me  
20 this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

21  
22  
23 \_\_\_\_\_  
24 NOTARY PUBLIC  
25

1 E. FLORES

2 E X H I B I T S

3  
4 PLAINTIFF'S EXHIBITS

5  
6 EXHIBIT EXHIBIT PAGE  
7 NUMBER DESCRIPTION  
8 1 Manual 33  
9 2 Invoice 127

10  
11 (Exhibits retained by Court Reporter.)  
12

13 I N D E X

14  
15 EXAMINATION BY PAGE  
16 MR. ZOHAR 7, 165  
17 MR. EVANS 162  
18

19 INFORMATION AND/OR DOCUMENTS REQUESTED

20 INFORMATION AND/OR DOCUMENTS PAGE

21 The names of all those cases  
22 where Mr. Eduardo Flores has  
23 Previously testified in regards  
24 to claims of bodily injury. 16  
25 All the names of the board members,

1 E. FLORES  
2 currently, and in the past for  
3 Torey Refrigeration, Inc. 25  
4 The names of all the board members  
5 of Prokraft 42  
6 Papers of incorporation for  
7 Prokraft 71  
8 A copy of that service agreement  
9 between Torey and Prokraft 87  
10 Tax documents for both Torey and  
11 For Prokraft and, specifically,  
12 Those sections that have transfers  
13 Of any fees between one and received  
14 by the other 112  
15 Name of the last marketing manager  
16 if they're no longer employed then  
17 we want their last known address  
18 also 157  
19  
20  
21  
22  
23  
24  
25



February 14, 2022

1 E. FLORES

2 C E R T I F I C A T E

3  
4 STATE OF NEW YORK )

5 : SS.:

6 COUNTY OF NASSAU )

7  
8 I, DIONE WOODS, a Notary Public for  
9 and within the State of New York, do hereby  
10 certify:

11 That the witness whose examination is  
12 hereinbefore set forth was duly sworn and  
13 that such examination is a true record of  
14 the testimony given by that witness.

15 I further certify that I am not  
16 related to any of the parties to this  
17 action by blood or by marriage and that I  
18 am in no way interested in the outcome of  
19 this matter.

20 IN WITNESS WHEREOF, I have hereunto  
21 set my hand this 2nd day of March 2022.

22  
23  
24   
25 DIONE WOODS

February 14, 2022

1 ERRATA SHEET FOR:

2 , being duly sworn, deposes and

3 says: I have reviewed the transcript of my

4 proceeding taken on 02/14/2022. The following

5 changes are necessary to correct my testimony.

6  
7 PAGE LINE

CHANGE

REASON

8 ----- | ----- | ----- | -----

9 ----- | ----- | ----- | -----

10 ----- | ----- | ----- | -----

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19 ----- | ----- | ----- | -----

20 ----- | ----- | ----- | -----

21 Witness Signature: \_\_\_\_\_

22 Subscribed and sworn to, before me

23 this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

24 \_\_\_\_\_

25 (NOTARY PUBLIC)

MY COMMISSION EXPIRES

February 14, 2022

[Page 183]

<b>A</b>	<b>acquisition (3)</b>	<b>affixed (9)</b>	<b>allow (3)</b>	76:21,22
<b>A.M (1)</b>	96:12,20 97:9	131:2 160:5	61:19 62:2	77:17,20,22
1:20	<b>act (7)</b>	163:3,8	99:6	82:6 85:21,25
<b>abide (2)</b>	54:22 55:19,23	169:22	<b>allowed (1)</b>	86:7,22 93:5
83:24 84:23	56:13,18	171:21 172:6	167:4	95:7 99:7
<b>ability (2)</b>	57:11 58:21	172:25	<b>alteration (2)</b>	100:19,20
101:17 156:3	<b>acting (6)</b>	173:20	130:25 132:8	106:18
<b>able (2)</b>	53:14 59:16	<b>afternoon (1)</b>	<b>alterations (1)</b>	108:12
14:16 39:10	86:19,25	162:11	131:6	110:14 111:9
<b>absolute (2)</b>	93:10 104:21	<b>against- (2)</b>	<b>altered (2)</b>	111:18 114:2
57:18 78:17	<b>action (3)</b>	1:6,13	152:21 174:7	117:23 118:6
<b>absolutely (8)</b>	8:3 142:17	<b>agency (2)</b>	<b>America (3)</b>	118:22,25
33:13 68:4	181:17	6:14 152:8	86:8,9,13	129:6,7,7
74:16 79:6	<b>actual (1)</b>	<b>ago (1)</b>	<b>amount (7)</b>	130:11 131:8
81:4 83:6,20	172:10	47:15	44:8 75:17	134:23 136:9
145:21	<b>added (2)</b>	<b>agree (4)</b>	111:6,10,14	137:17
<b>accept (1)</b>	132:9 152:22	37:7 51:18	112:9,19	140:23 142:8
90:18	<b>address (14)</b>	169:22	<b>analysis (4)</b>	142:24 143:8
<b>acceptable (1)</b>	7:22 13:9	175:23	30:4 93:18,22	144:5,6,19
145:23	109:12 122:4	<b>Agreed (4)</b>	94:12	147:2,17,22
<b>accessible (1)</b>	122:6 128:13	4:4,9,13 146:6	<b>AND/OR (2)</b>	150:21,24
22:19	128:18,19	<b>agreement (26)</b>	179:19,20	169:11
<b>accident (4)</b>	129:11,21	51:24 54:16	<b>Andres (3)</b>	174:18 175:3
103:15 139:22	136:10,12	56:9,24 65:20	19:12,16 20:25	175:6,19
161:10 174:6	157:15	65:23,25	<b>answer (99)</b>	177:5
<b>accidents (2)</b>	180:17	66:13 86:15	8:16 10:9	<b>answered (13)</b>
144:23 146:9	<b>addressed (2)</b>	86:18 87:2,5	12:22 17:25	49:2 50:22
<b>accomplishe...</b>	84:9 85:10	87:6,10,11,21	24:17 28:15	51:8 56:4
163:25	<b>addresses (1)</b>	88:3,12,19	39:7,15 40:24	59:11 68:16
<b>account (14)</b>	82:12	110:10,16,20	41:2,3,8,23	80:3 100:25
76:4,7,8,14,25	<b>adequately (1)</b>	112:20	42:9 43:15	130:9 144:17
86:4,5 95:17	9:15	134:17,25	44:21 45:8	160:25
95:19,24	<b>administer (1)</b>	180:8	48:10,16 52:6	176:25 177:3
110:9 113:20	4:15	<b>Ah (1)</b>	52:13,25	<b>answering (1)</b>
113:21	<b>administrati...</b>	120:14	53:18 54:14	61:17
116:21	66:20 72:19	<b>ahead (6)</b>	55:9 56:5,21	<b>answers (5)</b>
<b>accurate (1)</b>	109:8 113:9	33:20 64:10	56:22 58:13	9:14 50:7
55:17	135:7 176:16	65:17 100:12	59:2,6 60:2	57:22 61:5
<b>acquire (1)</b>	<b>advisement (1)</b>	144:15	62:4 63:17	129:14
138:13	71:20	147:18	67:6,20 68:24	<b>anybody (6)</b>
<b>acquired (1)</b>	<b>affiliated (1)</b>	<b>air (1)</b>	69:16 70:15	95:22 97:11
136:21	100:16	26:5	71:4,13,23	119:21
<b>acquiring (1)</b>	<b>affiliation (1)</b>	<b>allegations (1)</b>	72:5 73:15,19	132:10
139:7	125:5	50:15	74:2,7 75:4	155:10

February 14, 2022

[Page 184]

156:25	94:13 100:11	<b>assuming (2)</b>	<b>B</b>	116:20 152:9
<b>apologize (5)</b>	100:24	83:4 86:13	<b>b (4)</b>	152:19
12:18 91:13	106:11	<b>attached (1)</b>	7:23 62:19	154:16 173:5
124:12 129:8	111:22	160:7	80:17 179:2	<b>basis (2)</b>
130:4	140:11,12	<b>attain (1)</b>	<b>Bachelor (1)</b>	63:2 144:24
<b>apparently (3)</b>	142:6 143:23	139:2	11:22	<b>bearing (1)</b>
37:23 130:22	144:17 145:4	<b>attendance (1)</b>	<b>back (22)</b>	84:17
171:10	146:25	46:2	22:5 43:14,17	<b>becoming (1)</b>
<b>appear (2)</b>	154:17	<b>attending (1)</b>	46:4 59:12	89:18
43:2 91:3	<b>aspects (4)</b>	45:17	65:9 68:19	<b>beginning (1)</b>
<b>appeared (2)</b>	5:18 22:25	<b>attest (2)</b>	69:3,24 70:2	141:2
46:13 91:2	27:13 31:22	26:11 173:16	73:10 79:9	<b>behalf (18)</b>
<b>apprise (1)</b>	<b>asserted (1)</b>	<b>attorney (3)</b>	99:13 102:11	56:19 68:21
42:2	64:15	71:14 107:12	103:7 144:11	97:12 110:12
<b>approves (1)</b>	<b>assess (1)</b>	162:12	151:11	114:15
174:21	103:21	<b>attorneys (7)</b>	153:17 166:4	118:11,19,24
<b>approximate...</b>	<b>assessment (1)</b>	3:4,9,13 29:9	166:9 172:22	119:19
27:10	166:4	107:8 108:4,7	174:21	138:14 139:8
<b>approximate...</b>	<b>assessments (...)</b>	<b>authority (3)</b>	<b>background ...</b>	140:20
20:23 105:22	130:24	156:18 157:18	154:13	141:11
<b>area (4)</b>	<b>assets (2)</b>	158:2	<b>balances (1)</b>	145:24
80:6 84:16	79:14 85:15	<b>authorizatio...</b>	132:21	149:23,24
92:7 129:10	<b>assigned (6)</b>	156:14	<b>bank (20)</b>	167:5 176:14
<b>areas (2)</b>	54:24 67:8	<b>authorized (1)</b>	75:10,12 76:4	<b>believe (11)</b>
7:6 23:9	108:17,20	4:15	76:7,8,13,25	63:2 91:10
<b>arrives (1)</b>	116:21	<b>available (7)</b>	86:4,4,5,8,9	116:5 122:21
131:10	156:21	14:8,10 15:7	86:12,13	125:16 130:9
<b>asked (18)</b>	<b>assistance (1)</b>	25:2 39:10	95:17,19,23	133:24
50:2 60:11,22	165:18	46:8 169:24	110:9 113:19	137:18 146:4
61:7 63:7	<b>associated (2)</b>	<b>aver/SKHO...</b>	113:21	167:23
65:13 67:18	126:6 146:11	169:18	<b>bar (1)</b>	173:23
68:7,9 82:25	<b>association (6)</b>	<b>aware (15)</b>	171:11	<b>best (5)</b>
118:21	6:13 36:4,19	44:14 64:17	<b>bars (1)</b>	27:16 37:22
130:23	137:15	121:16	171:5	124:7,8
132:25 144:2	146:19	126:21	<b>base (1)</b>	138:16
147:12,23	158:21	133:14	104:2	<b>better (2)</b>
148:8 161:3	<b>Associations ...</b>	139:21 140:4	<b>based (6)</b>	34:15 36:7
<b>asking (27)</b>	91:25	140:17	6:23 50:7 65:3	<b>bid (1)</b>
8:4 10:4,6	<b>assume (5)</b>	144:23	80:10,10,11	138:16
16:15 46:17	111:13 150:8	161:15	<b>basic (1)</b>	<b>big (1)</b>
47:16 57:24	150:25	164:22	48:6	170:24
60:17 61:13	160:22 164:3	169:16 171:7	<b>basically (10)</b>	<b>bigger (4)</b>
62:23 63:3,19	<b>assumed (1)</b>	173:21 174:4	47:8 56:18	33:12 34:9,13
64:13 79:10	83:16		89:10,15 94:4	115:18

February 14, 2022

[Page 185]

<b>Bilal (3)</b> 120:10,14 137:7	56:24 57:23 58:15 59:17 60:16 67:9,9	115:14 131:19 131:23,25	<b>brought (4)</b> 85:10 114:9 142:19 168:14	<b>C</b>
<b>bill (4)</b> 38:14,20,24 39:5	67:11,12,14 68:2,6,8,20 69:13,19,20	<b>brakes (1)</b> 173:4	<b>bruise (1)</b> 50:13	<b>C (4)</b> 3:2 178:2 181:2,2
<b>bills (2)</b> 155:6,7	70:8 71:2,24 71:25 77:10	<b>brand (16)</b> 35:2 114:21,22 114:25 115:4 116:2,12,14	<b>build (1)</b> 39:17	<b>C.V (1)</b> 36:21
<b>Bilow (1)</b> 134:3	77:13,16,17 77:18,21,25	128:6 130:6 138:4 148:18 148:19 149:6	<b>business (56)</b> 11:22 13:9 14:12,16 15:7 22:5,9,13,25 22:25 23:5,7 23:14 25:3,16 25:20 26:4,9 26:14 27:14 27:18,21 35:10,21 38:16,17,22 41:13 45:6,14 45:15,16 53:9 70:13 72:3,9 72:9 75:21,25 76:15 86:17 87:7 90:14,19 92:14 121:6 121:16,20 123:18 125:19,24 138:24 155:5 155:9 157:9 159:7	<b>call (8)</b> 40:21 131:22 165:17,21,23 168:10 174:20,22
<b>Birdsall (1)</b> 7:23	77:25 78:6,11 96:6 126:7 127:2 157:23 158:10 179:25 180:4	156:22 176:15		<b>called (2)</b> 7:13 167:22
<b>birth (2)</b> 10:18 89:10		<b>break (14)</b> 9:18 28:16 74:14 78:15 78:19,24 79:11,15 97:7 102:19 141:15 151:10 154:21 170:13		<b>calling (1)</b> 123:5
<b>bit (7)</b> 12:3 32:7 33:24 34:13 65:21 84:13 151:18	<b>boards (4)</b> 43:24 58:21 67:7 158:3			<b>calls (2)</b> 155:15 167:6
<b>blade (1)</b> 115:7	<b>bodily (10)</b> 14:21,23 15:3 15:14 16:8 29:15 106:6 139:22 140:18 179:24			<b>campus (1)</b> 91:10
<b>blender (2)</b> 37:24,25		<b>breakdown (1)</b> 29:22		<b>cant (1)</b> 49:7
<b>blood (1)</b> 181:17		<b>bring (2)</b> 62:7 167:16		<b>capacities (1)</b> 151:3
<b>board (88)</b> 18:3,5,25 19:3 19:5,8,9 22:17 23:8 24:14,22 25:7 25:15,21 26:20 27:5 39:17 40:21 41:22 42:2,10 42:11,16,18 43:18 44:5,8 44:11,18,24 45:4,12,17,22 46:4,8,10,14 48:14,22 49:11,15 54:25 55:3,10 55:15,20 56:10,17,23	<b>bono (1)</b> 53:9 <b>book (1)</b> 87:10 <b>Booker (3)</b> 116:2,12,14 <b>born (1)</b> 10:23 <b>bother (1)</b> 154:23 <b>bottom (2)</b> 34:6 128:14 <b>Boulevard (1)</b> 3:14 <b>bound (1)</b> 81:6 <b>box (2)</b> 115:18,19 <b>boxes (4)</b>	<b>bring (2)</b> 62:7 167:16 <b>bringing (1)</b> 63:13 <b>broad (1)</b> 96:21 <b>brochure (2)</b> 119:16 152:4 <b>brochures (4)</b> 119:5 132:2,15 151:25 <b>broke (1)</b> 85:16 <b>broken (1)</b> 167:25 <b>Broker (1)</b> 138:15 <b>Brooklyn (1)</b> 3:6	<b>businesses (2)</b> 79:22 102:16 <b>buy (8)</b> 95:8,9,14 103:24 114:16 163:21 165:16 167:22 <b>buys (3)</b> 95:10 96:8 117:21	<b>capacity (26)</b> 5:7,20 6:3 18:2 18:7 23:17 24:17 25:18 26:6,18 27:2 27:16 28:23 37:22 41:11 46:9 48:18 50:9 61:25 72:2 73:13 75:15 77:18 102:21 106:7 110:4
				<b>car (1)</b> 173:4 <b>Carlos (4)</b> 94:24,25 157:20,21 <b>Carmen (12)</b> 3:11 12:3 15:23 32:9

February 14, 2022

[Page 186]

67:22 78:18	97:25 98:8	92:15 170:15	100:9 102:20	<b>COMMISSI...</b>
83:18 107:12	99:21 109:22	170:22	127:22	182:25
142:9 143:4	158:15	<b>childhood (1)</b>	144:22 154:3	<b>common (4)</b>
144:4 145:6	165:18	149:10	156:8	36:24 58:14,19
<b>carry (3)</b>	<b>certain (5)</b>	<b>choosing (1)</b>	<b>client (1)</b>	147:3
26:23 27:13	27:13 47:22	99:6	98:25	<b>communicat...</b>
103:23	131:24 163:5	<b>chorus (1)</b>	<b>close (1)</b>	19:21,23,24
<b>case (24)</b>	169:17	68:11	101:18	20:14,16,19
15:10 64:16	<b>certificate (1)</b>	<b>circumstanc...</b>	<b>coast (2)</b>	21:12 126:5
96:2,5 98:2,8	103:24	6:4 7:8 9:2	117:11,11	<b>communicat...</b>
105:17,18	<b>certification ...</b>	62:9 64:8	<b>code (1)</b>	26:22 42:22
106:2,15,16	28:19 104:9,16	168:7 169:17	129:10	<b>communicati...</b>
108:5 120:7	<b>certifications...</b>	<b>cited (1)</b>	<b>colors (1)</b>	18:25 20:6,12
124:21	103:22,25	64:13	161:17	21:18 22:2,5
132:25 133:5	104:3,7,12,20	<b>citizen (2)</b>	<b>come (14)</b>	22:16,23 23:2
134:3,8	<b>certified (2)</b>	12:8,10	74:9 75:14	23:10 26:19
135:11	104:11 167:3	<b>city (2)</b>	114:11	27:12 29:7
137:12	<b>certify (5)</b>	126:17,20	115:11 119:6	42:19 55:11
139:11 147:5	104:8 178:4,8	<b>civil (2)</b>	119:11,13,15	55:12 108:3
159:11	181:10,15	2:9 5:5	127:2 141:20	<b>communicati...</b>
171:10	<b>challenge (1)</b>	<b>claim (4)</b>	143:2 164:11	20:3 24:19
<b>cases (18)</b>	170:12	8:5 29:15	166:4 167:13	55:16
14:4 16:6	<b>change (3)</b>	140:19	<b>comes (11)</b>	<b>companies (3...</b>
105:8 106:9	44:17 121:12	142:20	53:2 75:24	23:18 31:16,22
106:10,11	182:7	<b>claiming (1)</b>	95:16 114:25	40:18,19,23
107:9,14	<b>changed (4)</b>	83:3	119:7 130:20	48:19 51:19
133:11,13,23	44:13 89:22	<b>claims (7)</b>	152:6,18	52:3 54:7,10
139:24	152:21 175:2	5:18,21 15:4	153:4 154:18	58:15,21 59:5
141:21	<b>changes (5)</b>	16:8 64:14	163:20	66:14 70:8
145:19	156:13 157:18	106:7 179:24	<b>coming (4)</b>	76:19 79:22
147:20,20	158:2 161:18	<b>clarification ...</b>	75:19 131:13	114:16 134:5
150:18	182:5	89:7 98:23,24	131:16	137:14
179:21	<b>charge (2)</b>	99:4	152:14	140:19 141:9
<b>cause (1)</b>	96:12 138:12	<b>clarified (1)</b>	<b>commence (1)</b>	146:10,19,22
8:20	<b>check (5)</b>	140:9	8:7	149:7,13
<b>caused (1)</b>	21:14,15	<b>clarify (5)</b>	<b>commenced (...)</b>	150:20 151:4
142:19	111:13,19	9:6 23:4 24:2	8:3	153:10
<b>cease (1)</b>	156:5	49:15 154:5	<b>comments (1)</b>	175:16
122:9	<b>checks (2)</b>	<b>clear (18)</b>	64:3	<b>company (68)</b>
<b>ceased (3)</b>	95:23 132:21	6:6 28:18	<b>commercial (3)</b>	17:10 23:22,24
121:3,9 137:5	<b>Chester (1)</b>	33:17 40:3	26:6 27:21	24:10 25:25
<b>cells (2)</b>	3:10	51:2 58:12	37:6	28:24 30:24
101:12 169:9	<b>Chicago (5)</b>	64:5,12 67:24	<b>commerciali...</b>	31:15 34:24
<b>center (6)</b>	90:23 91:16	77:4 99:20,22	27:21	36:17 37:4



February 14, 2022

[Page 187]

41:13 45:5	111:5	<b>conference (3)</b>	168:3,16	41:20,21 42:7
47:19 55:19	<b>completely (1)</b>	21:20,25 42:23	<b>contracts (8)</b>	51:20 54:3
55:25 56:12	68:17	<b>confused (1)</b>	117:18,24,25	55:13 56:19
56:13 57:2,6	<b>complies (1)</b>	99:23	118:3,7,12,18	56:20 66:19
57:10,25 58:4	103:22	<b>confusion (5)</b>	118:23	67:7,10 73:21
58:23 59:17	<b>comply (1)</b>	8:21 50:6	<b>control (2)</b>	76:5,9 77:14
59:20 60:12	174:19	57:16,18	31:19 57:12	77:15 78:7
61:8 66:14	<b>components ...</b>	145:16	<b>controls (2)</b>	87:4,12 96:4
69:14 70:20	163:6	<b>Congdon (2)</b>	31:16 57:7	101:10
70:24 71:8	<b>composition ...</b>	3:13 162:13	<b>conversation...</b>	107:17,25
74:18,18,22	165:6	<b>connection (1)</b>	27:7	109:3 111:13
75:9 79:13	<b>comprised (1)</b>	39:12	<b>convictions (1)</b>	115:24
87:17 89:11	163:5	<b>consecutive (1)</b>	12:19	116:19
89:19 90:7	<b>concept (1)</b>	18:22	<b>cooling (1)</b>	117:14
97:23 100:16	96:22	<b>consent (2)</b>	26:6	128:10,12,23
121:3,10,13	<b>concerned (1)</b>	155:24 158:3	<b>copies (1)</b>	129:4,8
123:5,16,22	151:15	<b>consist (1)</b>	162:4	132:14
124:25	<b>concerning (1)</b>	157:19	<b>copy (4)</b>	135:10
125:15	162:16	<b>contact (4)</b>	79:5 87:20	136:16 148:6
134:11,14	<b>concerns (1)</b>	19:10 21:7	162:5 180:8	148:7 152:15
137:22 138:9	105:2	57:11 165:22	<b>core (2)</b>	155:7 163:13
138:13	<b>concluded (1)</b>	<b>contain (1)</b>	153:3 154:10	164:10,19
145:17 146:3	177:13	80:24	<b>corporate (7)</b>	178:9 182:5
146:10 148:3	<b>conditioning ...</b>	<b>content (1)</b>	17:8 41:16	<b>corrections (1)</b>
148:12 149:8	26:5	151:23	51:4,11 71:14	152:25
150:8 151:2	<b>conduct (10)</b>	<b>Continental ...</b>	107:12	<b>corresponde...</b>
157:7 158:22	35:11 72:2	86:10 117:12	111:16	20:2,20
174:23	93:17 103:11	<b>continue (5)</b>	<b>corporation (...)</b>	<b>cost (5)</b>
<b>company's (1)</b>	119:22	61:21 63:9	6:12 17:9,11	75:25 76:14
149:24	125:18	122:18	17:12,21,23	113:6,8,10
<b>compensated...</b>	131:20	127:10 136:2	31:21 41:14	<b>counsel (3)</b>
52:9	149:17,23	<b>CONTINUE...</b>	41:18,20 57:6	4:5 107:22,24
<b>compensatio...</b>	151:4	1:22 2:3	70:7,13 88:14	<b>country (1)</b>
52:21,22 53:2	<b>conducted (9)</b>	<b>continues (1)</b>	88:16 93:8	12:11
53:4,14,16	72:10 101:22	107:11	95:14 125:17	<b>County (2)</b>
54:23 55:24	102:22	<b>contract (7)</b>	<b>corporations...</b>	133:4 181:6
57:21 58:22	104:18	117:19 118:8	93:3	<b>couple (7)</b>
60:13 110:11	119:18	118:10 119:3	<b>correct (59)</b>	8:6 10:5 12:17
<b>complaint (3)</b>	130:24	139:3,9 168:3	10:2 11:18	61:2 68:10
5:22 80:10	132:11	<b>contracted (2)</b>	13:4,19 14:2	159:11
136:8	150:18	150:4 166:24	16:22 18:23	165:12
<b>complete (1)</b>	173:23	<b>contractor (1)</b>	22:10 27:15	<b>course (27)</b>
10:8	<b>conducts (1)</b>	166:21	35:12,18,23	9:25 11:14
<b>completed (1)</b>	25:17	<b>contractors (2)</b>	38:2 40:6	14:12 22:4,9

February 14, 2022

[Page 188]

38:15,21	12:19	127:16	75:25	29:12 62:21
43:21 44:3	<b>current (2)</b>	<b>dated (1)</b>	<b>deeper (1)</b>	84:9 124:20
47:18 70:12	12:23 17:2	34:5	29:18	133:9 139:19
86:17 87:6	<b>currently (7)</b>	<b>dates (1)</b>	<b>defect (2)</b>	<b>depositions (3)</b>
91:5,8,18,20	12:13 16:20	134:7	166:18 167:21	14:20 85:2,3
92:5,9,10,11	23:22 24:22	<b>day (4)</b>	<b>Defendant (5)</b>	<b>describe (5)</b>
92:14,17,20	25:8 136:18	147:8 178:20	1:17 3:13 6:6	6:15 21:10
138:23 155:4	180:2	181:21	113:25	113:19
157:8	<b>cursor (1)</b>	182:23	162:14	154:24
<b>courses (7)</b>	132:17	<b>days (1)</b>	<b>Defendants (4)</b>	160:20
90:13,18,19,24	<b>custom (1)</b>	92:12	1:8 2:5 3:9	<b>described (10)</b>
90:25 92:25	46:12	<b>De (6)</b>	64:15	19:10 76:4
104:25	<b>Customer (1)</b>	11:8 36:14,20	<b>defined (1)</b>	78:5 90:15
<b>court (14)</b>	129:15	36:21 39:19	163:11	105:23 110:8
1:2 4:17 5:8	<b>customers (1)</b>	158:17	<b>delis (1)</b>	118:15
6:19 9:2	35:25	<b>deal (5)</b>	169:19	133:22 137:8
10:11 13:15	<b>cut (9)</b>	14:21 15:14	<b>delving (1)</b>	155:13
13:22 62:6	12:4 34:7 41:6	124:9 167:15	80:25	<b>describing (2)</b>
64:21 85:9	66:8 73:6	168:11	<b>demand (1)</b>	93:3 152:13
106:25 133:3	130:4 164:7,8	<b>dealer (3)</b>	49:5	<b>description (6)</b>
179:11	173:4	165:22,23	<b>demands (1)</b>	37:8,13,18
<b>courtesy (2)</b>	<b>cuts (1)</b>	167:10	80:12	65:22 166:14
10:7,10	37:25	<b>dealing (2)</b>	<b>demonstrati...</b>	179:7
<b>courts (2)</b>	<b>cutting (1)</b>	46:9 100:14	170:9	<b>design (2)</b>
62:10 105:11	150:24	<b>dealings (1)</b>	<b>department (...)</b>	93:12 109:23
<b>cover (2)</b>		74:10	72:23	<b>designates (1)</b>
23:14 95:16	<b>D</b>	<b>dealt (7)</b>	<b>departments ...</b>	87:22
<b>coverage (1)</b>	<b>D (5)</b>	97:24 148:4,6	90:4 176:18	<b>designed (2)</b>
138:7	4:2 7:13,13	148:12 149:9	<b>depends (3)</b>	30:6 109:21
<b>Covid (7)</b>	178:2 179:13	149:10,14	112:13 167:8	<b>designing (2)</b>
20:7 21:16,21	<b>D-A-N-T-U (1)</b>	<b>DEC (2)</b>	168:8	29:24 30:3
43:24 44:2	109:2	11:25 12:7	<b>deponent (1)</b>	<b>detail (4)</b>
45:2,19	<b>D-E-C-O-M-...</b>	<b>decided (2)</b>	6:11	65:22 70:24
<b>craft (1)</b>	11:12	26:15 56:25	<b>depone (1)</b>	110:10
77:14	<b>daily (3)</b>	<b>decides (1)</b>	7:5	145:20
<b>create (1)</b>	21:7,14 144:24	116:24	<b>deposed (3)</b>	<b>detailed (1)</b>
83:22	<b>data (1)</b>	<b>decision (4)</b>	108:6 133:11	66:11
<b>created (1)</b>	154:7	56:10 117:4	134:7	<b>detailing (1)</b>
89:21	<b>date (13)</b>	138:17,18	<b>deposes (1)</b>	169:7
<b>creation (1)</b>	1:19 10:18	<b>decisions (2)</b>	182:2	<b>details (2)</b>
171:25	18:19 31:4,9	155:12,23	<b>deposition (13)</b>	29:18 87:10
<b>credentials (1)</b>	33:6 34:9,10	<b>Decomillas (1)</b>	2:5 4:14 9:25	<b>determine (4)</b>
167:15	34:17 89:14	11:9	13:14,25	49:10 94:12,14
<b>criminal (1)</b>	89:17 124:4	<b>deduct (1)</b>	15:13 16:14	110:19



February 14, 2022

[Page 189]

<b>determined (1)</b> 150:4	55:11	32:11 33:2	12:1 13:1	100:1 101:1
<b>determines (4)</b> 25:19 26:9 94:7 167:2	<b>direction (4)</b> 26:24 56:18 58:3 115:5	34:4 88:8,9 88:24 153:8	14:1 15:1 16:1 17:1 18:1 19:1	102:1 103:1 104:1 105:1 106:1 107:1
<b>determining ...</b> 138:12	<b>directions (3)</b> 119:6,14 126:2	<b>documented ...</b> 168:21	20:1 21:1	108:1 109:1
<b>development...</b> 92:19	<b>directive (4)</b> 22:16,22 54:21 59:17	<b>documents (...)</b> 30:16 70:11,19 70:23 71:7	22:1 23:1 24:1 25:1 26:1 27:1	110:1 111:1 112:1 113:1 114:1 115:1
<b>device (5)</b> 99:25 159:15 163:16,17,18	<b>directives (6)</b> 27:5,12,14 48:21 55:18	89:10 101:23 101:25 102:3 109:11 112:3	28:1 29:1 30:1 31:1 32:1 33:1	116:1 117:1 118:1 119:1 120:1 121:1
<b>devices (1)</b> 101:19	58:20	114:18 179:19,20	34:1 35:1 36:1 37:1 38:1 39:1	122:1 123:1 124:1 125:1 126:1 127:1
<b>dictate (2)</b> 25:16 72:2	<b>directly (9)</b> 26:20 27:6 29:8 42:10	<b>doing (9)</b> 13:14 20:7 30:3 53:15	40:1 41:1 42:1 43:1 44:1 45:1	128:1 129:1 130:1 131:1 132:1 133:1
<b>differ (1)</b> 52:3	58:13 61:9 95:17 114:11	75:25 76:14 101:2,6 105:16	46:1 47:1 48:1 49:1 50:1 51:1	134:1 135:1 136:1 137:1 138:1 139:1
<b>difference (1)</b> 155:20	<b>disable (2)</b> 172:14,15	<b>dollar (2)</b> 75:17 111:6	52:1 53:1 54:1 55:1 56:1 57:1	140:1 141:1 142:1 143:1 144:1 145:1
<b>different (10)</b> 5:14 9:8 20:11 32:4 43:24 54:17 55:25 104:7 159:11 170:20	<b>disagree (1)</b> 84:19	<b>doubt (1)</b> 83:19	58:1 59:1 60:1 61:1 62:1 63:1	146:1 147:1 148:1 149:1 150:1 151:1
<b>differentiate ...</b> 161:19	<b>discuss (3)</b> 48:8 94:18,20	<b>drive (1)</b> 166:11	64:1 65:1 66:1 67:1 68:1 69:1	152:1 153:1 154:1 155:1 156:1 157:1
<b>difficult (1)</b> 170:3	<b>discussed (3)</b> 48:21 94:23 119:11	<b>due (2)</b> 20:7 122:9	70:1 71:1 72:1 73:1 74:1 75:1	158:1 159:1 160:1 161:1 162:1 163:1
<b>difficulties (1)</b> 43:10	<b>discussion (2)</b> 10:13 40:15	<b>duly (4)</b> 7:14 178:5 181:12 182:2	76:1 77:1 78:1 79:1 80:1 81:1	164:1 165:1 166:1 167:1 168:1 169:1
<b>dinner (1)</b> 170:16	<b>dismissed (3)</b> 105:19 106:22 139:25	<b>durability (1)</b> 172:4	82:1 83:1 84:1 85:1 86:1 87:1	170:1 171:1 172:1 173:1 174:1 175:1
<b>Dione (10)</b> 2:10 7:12 32:13 69:23 99:11 102:9 139:18 153:11 181:8 181:25	<b>dispatch (1)</b> 166:2	<b>duration (2)</b> 18:9 23:24	88:1 89:1 90:1 91:1 92:1 93:1	176:1 177:1 178:1,2 179:1 179:2,13
<b>direct (2)</b> 57:11 61:5	<b>dispatched (1)</b> 166:17	<b>duties (3)</b> 154:24 155:17 155:19	94:1 95:1 96:1 97:1 98:1 99:1	180:1 181:1,2 181:2
<b>directed (1)</b>	<b>disputed (1)</b> 76:17	<b>E</b>		<b>E-box (1)</b>
	<b>distributed (2)</b> 74:25 76:13	<b>E (187)</b> 3:2,2 4:2,2 6:1 7:1,13,13 8:1 9:1 10:1 11:1		
	<b>DISTRICT (2)</b> 1:2,2			
	<b>document (7)</b>			

February 14, 2022

[Page 190]

22:21	<b>effort (1)</b>	109:5 125:8	114:8 134:21	3:15 13:5 79:4
<b>e-mail (13)</b>	175:4	129:18	136:5 141:17	79:6 82:5
19:25 20:9,17	<b>either (14)</b>	<b>employees (18)</b>	<b>entitled (3)</b>	162:7,10,12
21:17,19,22	26:19 27:5	38:23 73:17,20	80:8 83:2	165:9 173:25
21:24 22:5	29:21 102:13	73:22 90:6	98:25	177:9 179:17
42:23 81:21	103:14	116:18,21,22	<b>entity (12)</b>	<b>event (3)</b>
83:15 153:8	105:19 126:6	118:16	6:14 51:12	49:17 60:11
154:19	126:6 135:8	131:19	53:20 97:23	85:9
<b>e-mailed (1)</b>	141:3 151:3	135:16	103:11	<b>events (1)</b>
139:18	158:8 159:3	155:14,21	111:16	45:11
<b>e-mails (4)</b>	166:10	156:11,17	119:22	<b>everybody (3)</b>
22:12,19,20	<b>elaborate (4)</b>	171:23 176:2	120:13	99:3 162:3
42:20	19:22 22:14	176:13	122:16	166:3
<b>Earle (1)</b>	72:6 119:9	<b>employer (1)</b>	149:22	<b>exact (3)</b>
3:14	<b>electronic (2)</b>	59:18	164:22	89:17 122:5
<b>earlier (6)</b>	27:24 137:2	<b>employers (1)</b>	174:24	139:16
40:18 86:3,24	<b>Electronics (9)</b>	176:19	<b>equipment (5)</b>	<b>exactly (3)</b>
108:2 120:6	123:11,19,20	<b>employment ...</b>	36:22 103:21	10:5 85:12
134:5	124:13	12:24 18:14,21	104:14 115:7	106:19
<b>earns (1)</b>	134:16,18	31:8	165:19	<b>examination ...</b>
75:8	135:11,15	<b>enclosures (1)</b>	<b>Equipos (4)</b>	6:17 7:17
<b>easier (3)</b>	136:11	26:7	36:14,20 39:19	162:9 165:14
32:8 97:8	<b>em (1)</b>	<b>ended (1)</b>	158:17	177:12
161:9	167:23	170:17	<b>equipped (1)</b>	179:15
<b>easily (2)</b>	<b>emergency (1)</b>	<b>engaged (1)</b>	162:24	181:11,13
169:20 170:2	161:5	56:23	<b>ERRATA (1)</b>	<b>examine (1)</b>
<b>east (1)</b>	<b>employ (1)</b>	<b>engineer (1)</b>	182:1	33:21
117:10	161:17	100:21	<b>especially (3)</b>	<b>examined (1)</b>
<b>EASTERN (1)</b>	<b>employed (27)</b>	<b>engineering (...)</b>	70:25 80:16	7:16
1:2	16:20,24 18:9	28:19	83:2	<b>example (1)</b>
<b>easy (2)</b>	18:19 20:24	<b>English (1)</b>	<b>ESQ (3)</b>	25:22
61:11 154:10	23:17,22,23	153:2	3:6,11,15	<b>exchanged (1)</b>
<b>Eduardo (6)</b>	23:25 24:6	<b>enhance (2)</b>	<b>essence (2)</b>	32:12
2:7 7:21 16:6	40:17,25 41:4	174:14 175:16	83:24 96:12	<b>executive (1)</b>
60:2 178:16	41:10 50:25	<b>enlarge (3)</b>	<b>establish (1)</b>	92:18
179:22	51:3,10 55:3	33:15,18 37:11	84:7	<b>exhibit (5)</b>
<b>education (3)</b>	55:9 57:20	<b>entail (1)</b>	<b>established (1)</b>	33:5 82:22
11:2 28:19	58:24 73:15	110:10	40:10	127:15 179:6
90:16	94:25 100:15	<b>entered (1)</b>	<b>estimate (6)</b>	179:6
<b>effect (4)</b>	126:6 157:14	105:22	112:10,17,24	<b>Exhibits (2)</b>
4:16 8:25	180:16	<b>entities (10)</b>	113:4 124:7,8	179:4,11
135:2 136:18	<b>employee (7)</b>	8:4 24:20	<b>evaluation (1)</b>	<b>exist (2)</b>
<b>effects (1)</b>	58:2 95:2	31:19 40:19	119:18	121:4 137:5
6:25	107:18 109:4	79:22 104:7	<b>Evans (12)</b>	<b>existence (2)</b>

February 14, 2022

[Page 191]

30:10 145:5	80:16 150:10	167:19	10:15 24:8	31:1 32:1
<b>existing (1)</b>	<b>facts (3)</b>	<b>feel (2)</b>	30:15 34:18	33:1,8 34:1
139:24	8:9 108:5	9:18 80:8	37:22 41:11	35:1 36:1
<b>expect (1)</b>	137:6	<b>fees (5)</b>	41:12 50:23	37:1 38:1
62:24	<b>faith (1)</b>	110:11,22	50:24 56:14	39:1 40:1,16
<b>expenditures...</b>	112:24	111:20 112:6	65:18 67:25	41:1 42:1
75:13,20 76:12	<b>falls (1)</b>	180:13	68:5 73:5	43:1,5 44:1
76:17	169:2	<b>fell (1)</b>	96:10 97:8	45:1 46:1
<b>experience (2)</b>	<b>familiar (34)</b>	67:14	112:19	47:1 48:1
46:17 167:15	36:16 69:8	<b>Femsaf (10)</b>	117:16	49:1 50:1
<b>EXPIRES (1)</b>	70:18,22 71:6	125:3,5,12,14	139:21,22	51:1,18 52:1
182:25	71:9 75:13	126:3,8,11,23	140:3,16	53:1 54:1
<b>explain (4)</b>	85:15 86:10	126:25 127:8	142:20	55:1 56:1
38:11 57:9	88:23 101:14	<b>file (3)</b>	144:18 147:5	57:1 58:1,14
139:5 151:17	101:15 116:6	81:20 85:23	178:5	59:1 60:1
<b>explained (1)</b>	120:9,12,14	166:4	<b>five (1)</b>	61:1 62:1
137:4	120:17,22,25	<b>filed (1)</b>	82:13	63:1 64:1,7
<b>explore (1)</b>	122:24	155:8	<b>five-minute (1)</b>	64:19 65:1,7
50:17	123:10,15	<b>filing (1)</b>	151:10	66:1 67:1
<b>extent (2)</b>	134:10,14	4:6	<b>fixture (1)</b>	68:1,20 69:1
171:17,18	159:9,14	<b>financially (1)</b>	163:13	70:1 71:1,22
<b>F</b>	160:4,8,11	138:16	<b>flag (1)</b>	72:1 73:1
<b>F (3)</b>	161:4 162:17	<b>find (12)</b>	61:9	74:1 75:1
4:2 7:13 181:2	162:20	14:17 18:18	<b>Flaherty (2)</b>	76:1 77:1
<b>F-E-M-S-A-...</b>	172:13 173:8	26:8 28:11	3:13 162:13	78:1 79:1,7
125:3	<b>far (5)</b>	49:8 50:8	<b>flat (3)</b>	80:1 81:1
<b>Fabricantes (...)</b>	6:25 53:22	93:23 96:9	110:18,25	82:1 83:1
36:14,20 39:18	90:14 151:15	140:14 146:3	135:8	84:1 85:1,14
158:17	153:22	167:13 174:3	<b>flip (1)</b>	86:1 87:1
<b>face-to-face (8)</b>	<b>father (1)</b>	<b>findings (1)</b>	127:20	88:1 89:1
19:24 20:6	61:14	48:22	<b>Flores (207)</b>	90:1 91:1
21:4 42:24	<b>fault (1)</b>	<b>fine (8)</b>	2:7 5:5 6:1,18	92:1 93:1
43:23,25 44:3	12:4	10:22 16:17	7:1,21,25 8:1	94:1 95:1
45:19	<b>features (1)</b>	32:24 64:4	9:1 10:1 11:1	96:1 97:1
<b>facilities (4)</b>	159:14	78:25 81:4	12:1 13:1	98:1 99:1
121:22 126:15	<b>February (1)</b>	85:6 154:6	14:1 15:1	100:1 101:1
135:7 170:20	1:19	<b>finish (1)</b>	16:1,6,19	102:1 103:1
<b>facility (5)</b>	<b>federal (3)</b>	150:16	17:1 18:1	104:1 105:1
113:9 126:11	2:9 5:4 105:11	<b>finished (1)</b>	19:1 20:1	106:1 107:1
126:22	<b>fee (6)</b>	147:17	21:1 22:1	108:1 109:1
135:19,19	110:18,20,21	<b>firm (1)</b>	23:1 24:1	110:1 111:1
<b>fact (5)</b>	110:25	107:13	25:1 26:1	112:1 113:1
50:22,24 51:15	112:20 135:8	<b>first (28)</b>	27:1 28:1	114:1 115:1
	<b>feeder (1)</b>	7:14 8:13	29:1 30:1	116:1 117:1

February 14, 2022

[Page 192]

117:13 118:1	<b>follow (5)</b>	142:22	<b>froze (1)</b>	<b>gestures (1)</b>
119:1 120:1	27:14 58:20	169:11	74:19	9:12
121:1 122:1	94:5,6,12	174:18	<b>frozen (5)</b>	<b>getting (6)</b>
123:1 124:1	<b>follow-up (1)</b>	175:19 176:5	43:5,6,8 52:16	12:5 60:14
125:1 126:1	162:15	<b>format (1)</b>	114:3	68:19 79:9
127:1,18	<b>followed (2)</b>	85:12	<b>full (2)</b>	132:18
128:1 129:1	94:11 132:5	<b>formatting (1)</b>	133:19 171:17	156:14
130:1 131:1	<b>following (2)</b>	9:7	<b>fully (1)</b>	<b>Gil (8)</b>
132:1 133:1	150:6 182:4	<b>forth (5)</b>	10:8	3:6 7:25 23:3
134:1 135:1	<b>follows (2)</b>	9:14 17:10	<b>function (1)</b>	28:10 39:25
136:1 137:1	7:16 19:4	20:4 22:6	70:25	48:24 57:15
138:1 139:1	<b>food (2)</b>	181:12	<b>functions (1)</b>	143:3
140:1,10	27:23,25	<b>forward (10)</b>	50:11	<b>Gill (6)</b>
141:1 142:1	<b>foot (1)</b>	5:23 18:16	<b>funds (2)</b>	80:7 84:6
143:1 144:1	125:19	30:12 32:12	95:19 110:7	98:23 141:16
144:15 145:1	<b>for-profit (7)</b>	60:25 61:19	<b>further (10)</b>	145:4 153:14
146:1,8 147:1	41:19 48:19	61:20 64:10	4:9,13 8:8 85:2	<b>give (18)</b>
147:14 148:1	74:17,18,21	64:24 82:24	161:24	8:19 10:7,9,10
149:1 150:1	79:21 88:14	<b>found (2)</b>	165:10 177:8	25:22 32:16
151:1 152:1	<b>force (3)</b>	30:24 38:23	177:9 178:8	34:18 65:21
153:1 154:1	4:16 8:24	<b>four (16)</b>	181:15	98:19,20
154:11 155:1	164:4	13:19,21,24	<b>G</b>	112:14,18
156:1 157:1	<b>foregoing (1)</b>	14:19,23	<b>gathered (1)</b>	124:7 136:10
158:1 159:1	178:8	15:12,18 46:2	152:9	143:9 145:8
160:1 161:1	<b>form (38)</b>	67:3 105:14	<b>gathering (1)</b>	148:25 156:5
161:24 162:1	4:10 20:11	105:21,22	152:5	<b>given (6)</b>
162:11 163:1	28:9 45:8	106:7,10	<b>general (11)</b>	13:13 79:12
164:1 165:1	49:13 56:4	140:13,16	23:13 44:7	133:22
165:11 166:1	67:18 70:15	<b>fourth (1)</b>	47:12 51:8	152:23
167:1 168:1	72:5 74:13	106:14	97:6 99:17	178:10
169:1 170:1	76:6,11 86:22	<b>frame (3)</b>	122:14	181:14
171:1 172:1	87:24 89:2,5	33:19 64:23	133:17 144:3	<b>gives (1)</b>
173:1 174:1	90:9 93:4	146:17	155:8 159:24	142:2
175:1 176:1	95:7 96:16	<b>Fran (1)</b>	<b>generalizing ...</b>	<b>giving (2)</b>
177:1 178:1	98:4,16	120:17	75:18	8:24 124:15
178:16 179:1	100:19 101:5	<b>free (4)</b>	<b>generally (4)</b>	<b>gk32 (1)</b>
179:22 180:1	101:25	9:18 53:15	25:12 143:24	173:12
181:1	103:17	54:6,12	147:13	<b>glued (1)</b>
<b>Flores's (1)</b>	106:18	<b>Friday (1)</b>	159:16	131:5
12:4	110:14	173:23	<b>generated (2)</b>	<b>go (24)</b>
<b>Florida (1)</b>	117:23 118:5	<b>friendly (1)</b>	74:25 110:8	29:18 33:19,20
170:23	134:20	152:11	<b>gesture (3)</b>	33:20,20 34:6
<b>focus (1)</b>	137:17	<b>front (2)</b>	9:20,21,24	37:12,16 45:4
23:10	140:22	95:16 128:14		58:11 64:10

February 14, 2022

[Page 193]

65:9,17 66:17	<b>good (3)</b>	103:12	97:19	153:23
68:3 74:11	35:20 112:24	109:21 114:7	<b>H-V-A-C (1)</b>	<b>hearing (1)</b>
75:13 100:11	162:11	114:16	26:4	41:7
122:24	<b>goods (1)</b>	116:25 117:5	<b>habit (1)</b>	<b>hears (1)</b>
126:14	76:15	117:7,19	129:3	145:14
141:25	<b>gotten (1)</b>	121:7,18	<b>half (1)</b>	<b>held (2)</b>
144:15	63:22	124:10	60:24	2:9 40:15
147:18	<b>governmenta...</b>	130:21	<b>hammer (1)</b>	<b>help (1)</b>
170:22	6:14	133:13,16,17	170:7	34:11
<b>goes (7)</b>	<b>graduate (1)</b>	133:18 144:2	<b>hand (2)</b>	<b>helpful (2)</b>
27:22 63:16	11:16	144:24 145:2	9:20 181:21	33:25 80:21
76:4 83:14	<b>great (1)</b>	145:2,5 146:9	<b>hands (2)</b>	<b>hereinbefore...</b>
97:4 104:3	149:2	147:4,12,13	101:19 164:18	178:11 181:12
115:4	<b>grinder (30)</b>	148:2,4,6,13	<b>handwritten ...</b>	<b>hereunto (1)</b>
<b>going (54)</b>	28:13 29:16	149:6,11,14	153:2	181:20
9:10 10:6,6,10	30:14 32:3,6	151:16	<b>happen (1)</b>	<b>hi (1)</b>
10:15 15:24	60:21 63:22	164:24	147:8	129:20
16:5 18:15	96:11 99:21	165:20 166:9	<b>happened (1)</b>	<b>higher (2)</b>
25:10 32:10	99:24 100:6	173:15,17	59:9	33:20 112:21
32:18,22,25	105:3 110:4,6	175:21	<b>harassing (1)</b>	<b>highest (1)</b>
33:14 34:18	119:10	<b>group (1)</b>	60:16	10:25
37:16 42:14	137:10,12,13	134:4	<b>hard (1)</b>	<b>Hilal (1)</b>
48:25 49:4	140:18 142:6	<b>guard (12)</b>	146:3	133:2
58:8 61:16	147:6,12	162:24 163:3,5	<b>Harris (2)</b>	<b>hire (1)</b>
62:4,5 63:2,8	149:17 150:7	163:24	97:16,19	152:8
63:17 64:23	158:14,24	167:18	<b>Harvard (6)</b>	<b>hold (2)</b>
65:9 71:16,20	159:10	168:17	90:22 91:4,6	123:22 140:5
71:21 81:6	161:11	169:21	91:15,18	<b>hole (1)</b>
82:24,25 84:8	162:17	172:12,15,25	92:10	125:19
84:16,22 85:6	176:23	173:6,9	<b>hazards (1)</b>	<b>home (1)</b>
87:20 110:9	<b>grinders (75)</b>	<b>guards (4)</b>	169:8	12:15
111:25	15:15,19 28:3	164:25 169:16	<b>head (9)</b>	<b>honestly (1)</b>
122:13,23	28:5,7,20,23	170:4 173:14	9:12 62:25	51:9
127:5,11,12	29:2,3,24	<b>guess (3)</b>	67:4 97:9	<b>hour (1)</b>
142:7,13	30:4,6 31:17	112:17 124:5,6	163:3,9,22	60:23
143:4 144:21	31:23 38:7	<b>guide (1)</b>	164:19 165:6	<b>house (2)</b>
147:8 157:11	49:24 93:12	82:23	<b>health (1)</b>	107:23 122:8
170:19 173:4	93:15 95:4,4	<b>guys (2)</b>	60:9	<b>Houston (8)</b>
<b>gonna (8)</b>	95:10,12 96:9	174:9,22	<b>hear (8)</b>	7:24 12:14,16
25:5 29:4	97:25 98:5,6	<b>H</b>	52:13,14,17	13:12 122:2
66:17 79:15	98:10,11	<b>H (1)</b>	58:17 66:9,11	135:24
85:6 127:11	99:16 100:17	179:2	146:9 156:9	136:14,15
139:17	101:11,14,16	<b>H-A-R-R-I-S...</b>	<b>heard (3)</b>	<b>hovering (1)</b>
154:22	102:6,15,24		68:12 91:13	173:9



February 14, 2022

[Page 194]

<b>Hussain (5)</b> 120:10 124:17 133:2 134:4 137:7 <b>HVACs (1)</b> 26:4	132:15 160:9 <b>included (2)</b> 46:25 152:4 <b>including (1)</b> 174:15 <b>incorporated...</b> 69:4,9,10,14 70:9 120:15 <b>incorporatio...</b> 70:18,19,23 71:10,17 88:24 89:8 180:6 <b>Incs (1)</b> 171:23 <b>index (1)</b> 133:4 <b>indicated (2)</b> 51:6 80:18 <b>indirectly (1)</b> 58:13 <b>individual (16)</b> 5:7,17,19 6:2 32:21 88:6 97:24 103:11 105:2 116:7 119:22 120:13 124:24 129:17 149:23 166:8 <b>individuals (7)</b> 42:2 46:3 48:2 73:14 76:19 78:11 124:18 <b>industry (5)</b> 27:24,25 164:23 165:3 170:25 <b>information ...</b> 14:7,13,17 15:6,9 24:25 39:9 79:13 80:9 137:24	138:22 152:5 152:9,17 153:3,5,9 154:14,17,23 157:6 174:10 179:19,20 <b>initial (2)</b> 40:24 146:20 <b>initially (2)</b> 8:7 50:3 <b>injured (1)</b> 146:14 <b>injuries (5)</b> 15:18 50:14 120:8 137:10 140:18 <b>injury (15)</b> 14:21,23 15:3 15:14 16:8 29:15 106:6 133:13 139:22 140:19 142:19 145:18 149:16 150:7 179:24 <b>inquired (1)</b> 77:7 <b>inside (1)</b> 132:16 <b>insinuating (1)</b> 129:6 <b>insolvency's ...</b> 122:10 <b>inspect (1)</b> 126:15 <b>inspected (1)</b> 174:10 <b>inspecting (1)</b> 150:14 <b>inspection (4)</b> 131:11 150:5 151:5 173:22	<b>institution (3)</b> 11:7 90:21 91:14 <b>institutions (1)</b> 93:2 <b>instructions ...</b> 120:3 <b>insurance (11)</b> 137:20 138:2,7 138:13,20 139:3,7,12 150:8,19,25 <b>intellectual (1)</b> 85:19 <b>intention (1)</b> 5:16 <b>interest (4)</b> 17:6 158:5,11 159:3 <b>interested (1)</b> 181:18 <b>international...</b> 11:15 103:19 174:19 <b>internet (1)</b> 73:2 <b>interpret (1)</b> 9:22 <b>interpretatio...</b> 9:24 <b>interrogatori...</b> 51:5 80:11 <b>inventory (1)</b> 155:6 <b>investigate (1)</b> 149:18 <b>investigation...</b> 97:5 108:8 141:7 <b>investigator (...)</b> 142:17 <b>investments (...)</b> 79:18,20,21 85:17	<b>invoice (34)</b> 30:18,19,23,24 30:25 31:3,4 31:10,11 32:2 32:5 33:9 34:5 35:3,4,6 35:7,17,24 36:3 37:9,15 38:12 39:5,12 39:13 95:15 95:16 108:9 108:14,21 127:14 158:16 179:9 <b>invoices (1)</b> 35:14 <b>involved (16)</b> 29:15 30:2,14 94:17 98:12 99:18 101:13 102:14 103:14 107:13 110:23 124:22 134:9 137:12 140:18 161:21 <b>involvement ...</b> 28:3 29:21,23 59:5 97:22 109:24 110:2 125:9,12 151:14,22 152:2 175:20 175:25 176:11 <b>involves (2)</b> 29:14 147:5 <b>involving (3)</b> 120:7 133:13 139:22 <b>Irrelevant (1)</b> 107:20
---	--	--	---	---

February 14, 2022

[Page 195]

<b>ISOJON (2)</b> 1:3 3:5 <b>issue (11)</b> 61:18 62:5 143:5 145:3 158:24 159:10 165:24 166:6 167:8 168:11 168:23 <b>issues (3)</b> 60:10 61:10 64:6 <b>item (6)</b> 32:21 37:24 105:3 127:12 131:2 132:3 <b>items (15)</b> 32:4 37:8,18 37:19 38:3,9 48:7 79:16 82:13 110:4 131:7 132:12 132:14 174:7 174:14	147:9 164:18 <b>keeping (1)</b> 84:14 <b>Kennedy (1)</b> 91:9 <b>KG32 (11)</b> 130:19 159:13 159:23,25 160:5,13 161:6 162:16 171:15 174:15 176:23 <b>KHUSENO...</b> 1:3 3:5 <b>kin (1)</b> 61:15 <b>kind (23)</b> 5:25 22:23 23:14 25:19 26:9 37:3 41:13,16 55:25 84:6 91:5,23 110:10 114:17 121:16 135:19 141:25 142:3 148:25 156:18 157:18 160:20 164:4 <b>kinds (1)</b> 155:12 <b>King (1)</b> 3:10 <b>knew (2)</b> 29:17 49:23 <b>know (186)</b> 5:13,22 6:25 10:5 12:2 14:3,6 15:10 17:22 18:4	19:19 24:21 26:2,14 31:7 31:9,24 37:2 38:13,14 39:7 39:8,16,21 41:25 43:4,15 44:9,15,22 45:3,8,23,23 46:5,12,15,21 46:24 48:11 48:17 49:3,6 50:5,6 51:15 57:8 58:6,10 59:13 61:23 61:24 62:23 63:12,14,14 63:15,25 64:21 66:4 67:16 69:2,3 69:6,12,18 71:7 75:18 77:5,12,16,21 78:3 80:2 81:22 82:24 84:7,14 86:12 87:15,16 88:6 88:11,15,17 88:18 89:17 89:24 90:10 90:11 91:11 92:7 93:7 98:9,17,20 100:21 105:12,13,17 105:18 106:8 106:21 107:2 107:3,5,6 108:3 111:10 112:13 113:12,14,17 117:24 118:8 118:13,14,18 122:23 124:24	125:18,22,23 125:25 126:17,19,20 127:4 128:25 130:14,23 131:5 133:6,7 134:8,9 137:23 138:9 141:11,21,22 142:23,23 143:16 144:5 144:18 145:15,19 146:2 147:21 148:15,23,24 149:25 150:10,17 156:8 158:13 159:8 160:6 160:14,22,23 161:2,8,16,21 161:22 162:23 163:6 163:8,10 165:2,2,5 166:10,15 167:20 172:4 172:10,11 173:2,21 174:9 176:9 176:10 <b>knowledge (...)</b> 5:17,20,24 6:21 7:5 28:6 28:12 29:25 30:9,11 38:5 50:10 70:5 79:25 85:22 104:3 109:19 119:24 122:11 123:7 126:9,24 128:11 139:15	148:21,23 159:5 168:19 <b>known (2)</b> 157:15 180:17 <b>knows (2)</b> 65:3 145:18  <b>L</b> <b>L (4)</b> 4:2,2 7:13 178:2 <b>L-U-Z-Q-U-I...</b> 94:24 <b>label (3)</b> 102:25 103:13 131:4 <b>labeling (1)</b> 114:18 <b>labels (9)</b> 109:21 110:3 132:8,16 148:16 160:12,24 171:20 172:5 <b>labor (1)</b> 171:16 <b>lack (2)</b> 6:8 63:11 <b>large (3)</b> 31:21 111:14 127:20 <b>larger (2)</b> 26:6 34:12 <b>laundry (1)</b> 48:6 <b>law (4)</b> 3:4 9:2 13:15 107:13 <b>lawsuit (10)</b> 63:21 95:5 101:13 105:4 109:22 124:17 140:17
---	--	---	---	--

February 14, 2022

[Page 196]

141:12	23:10	19:18 72:17	51:16 114:18	94:16 109:9
158:15,24	<b>limited (2)</b>	135:12,14	115:2,4 131:3	156:20,21,24
<b>lawsuits (2)</b>	17:10 41:15	167:8	143:15,21	157:4,13,16
105:10,14	<b>line (5)</b>	<b>logo (4)</b>	151:5 159:20	157:17,25
<b>leadership (4)</b>	50:5 60:16	114:25 115:4,6	161:5 162:18	158:9 180:15
91:7,7,18 92:9	165:23,24	115:9	162:21,23	<b>manager's (1)</b>
<b>lease (1)</b>	182:7	<b>long (5)</b>	164:4,9 168:6	94:22
136:25	<b>link (2)</b>	9:18 92:4,10	169:7 172:16	<b>manner (13)</b>
<b>leased (2)</b>	42:20 171:14	92:20 172:7	173:9,22	9:8 17:8 19:20
136:23 137:2	<b>links (2)</b>	<b>longer (2)</b>	174:3,4	25:16 29:7
<b>leaving (1)</b>	21:22 78:6	157:14 180:16	<b>machines (20)</b>	35:15 38:4
141:24	<b>list (2)</b>	<b>look (6)</b>	104:4,12	42:19 57:7,13
<b>lee (1)</b>	48:7 66:17	14:15 34:3	115:23 119:6	83:22 171:22
146:5	<b>listed (2)</b>	47:7 142:18	119:7,10	175:17
<b>left (3)</b>	37:8 104:14	149:18	148:16,20	<b>manual (10)</b>
34:19,21	<b>listening (1)</b>	165:25	149:19 150:6	33:4 115:8
130:15	142:12	<b>looked (3)</b>	150:15	119:15,17
<b>legitimate (1)</b>	<b>literally (1)</b>	47:3,4 160:15	160:21	128:2,15
104:20	20:20	<b>looking (1)</b>	167:17	130:14,16,20
<b>let's (6)</b>	<b>litigation (11)</b>	152:20	168:14	179:8
60:24 61:3	80:14 84:15,18	<b>looks (2)</b>	169:19 171:9	<b>manuals (3)</b>
68:13 80:4	99:18,22	34:19 43:7	172:6,8	119:19,23
82:21 151:9	113:25	<b>lot (3)</b>	174:15	120:2
<b>letter (1)</b>	122:17 127:9	39:25 145:14	175:17	<b>manufacture...</b>
169:6	134:22 136:6	147:23	<b>Madrid (2)</b>	115:21
<b>letters (1)</b>	136:7	<b>Lovets (1)</b>	11:4,6	<b>manufacture...</b>
20:20	<b>little (9)</b>	120:18	<b>mail (1)</b>	93:15 103:25
<b>level (2)</b>	12:3 32:7	<b>low (1)</b>	81:21	152:6,10,18
10:25 152:2	33:12,24	112:18	<b>maintain (4)</b>	153:4 158:14
<b>lever (1)</b>	34:13 65:21	<b>lower (1)</b>	14:12 22:20	158:23
171:5	72:7 84:13	33:20	86:5 174:13	162:25 163:7
<b>liability (2)</b>	151:17	<b>lunch (1)</b>	<b>maintained (...)</b>	166:18
17:10 41:15	<b>LLC (2)</b>	78:20	22:4,8 38:15	167:21
<b>licensed (2)</b>	120:18 152:7		38:17,21	<b>March (2)</b>
125:23 159:6	<b>LLP (1)</b>	<b>M</b>	70:12 86:16	134:3 181:21
<b>life (1)</b>	3:8	<b>M-A-B-U-S (1)</b>	87:6,13,15	<b>Marchinadi ...</b>
60:13	<b>locate (3)</b>	125:3	138:23 157:8	134:12
<b>light (1)</b>	14:16 30:19	<b>M-U-Z-Q-U-...</b>	<b>maintaining ...</b>	<b>margin (1)</b>
80:16	96:10	157:20	22:12	113:15
<b>lighting (1)</b>	<b>located (5)</b>	<b>Mabus (10)</b>	<b>making (2)</b>	<b>mark (2)</b>
160:16	19:17 121:25	125:3,5,12,14	143:6 150:14	82:21 156:20
<b>limit (1)</b>	126:18,20	126:3,8,11,23	<b>managed (1)</b>	<b>marked (4)</b>
49:18	135:23	126:25 127:8	39:3	33:4,9 127:14
<b>limitation (1)</b>	<b>location (5)</b>	<b>machine (22)</b>	<b>manager (12)</b>	127:25



February 14, 2022

[Page 197]

<b>market (11)</b> 30:4 79:23 93:18,19 94:2 94:5,17 103:20 117:5 151:15 156:23	53:25 59:14 66:6 73:19 75:16,17 79:19 84:11 87:8 89:7,24 90:11 94:9 98:4,20 115:6	102:15,23 103:12 105:3 110:4,6 124:10 133:18 137:10,13 144:24 145:2	68:2,6,20 69:19 70:8 71:25 77:13 96:6 126:7 157:23 158:10	<b>meter (1)</b> 173:14 <b>Mexican (1)</b> 125:16 <b>Mexico (7)</b> 10:24 12:12 95:8,9,14 126:17,20
<b>marketing (17)</b> 66:6,22 72:10 72:23 76:16 113:10 123:25 135:8 151:18 152:3 152:8 154:15 157:3,13 158:8 176:17 180:15	125:6 142:9 145:22 146:23 152:24 155:8 156:2 159:23 159:24 163:18 164:16 167:6 172:24 173:11	145:2,4 146:9 147:12 148:2 148:4,6,13 149:10,14,17 150:7 151:16 158:14,24 159:10 161:10 162:16 164:16,24	<b>members (37)</b> 18:5 25:8,15 25:21 39:17 42:10,11,16 42:18 43:18 43:24 44:5,8 44:11,18,25 45:12 46:10 55:10,20 56:17 58:15 67:15 68:8 69:20 71:2 77:10,17,17 77:21,24,25 78:7,12 158:3 179:25 180:4	<b>Miller (1)</b> 116:8 <b>minutes (19)</b> 45:21 46:6,7 46:16,18,23 46:24 47:3,5 47:6,10,18 48:3,6,14,20 49:4,10 78:24
<b>marking (1)</b> 157:25	<b>meaning (6)</b> 27:11 76:15	165:19 166:8 169:19 173:14 176:22	69:20 71:2 77:10,17,17 77:21,24,25 78:7,12 158:3 179:25 180:4	<b>mischaracter...</b> 60:19 71:12
<b>marriage (1)</b> 181:17	125:20 149:8 151:23 171:22	173:14 176:22	77:21,24,25 78:7,12 158:3 179:25 180:4	<b>misstate (1)</b> 117:13
<b>Martin (1)</b> 116:7	<b>means (7)</b> 21:17 52:21	<b>mechanism (1)</b> 174:25	<b>memory (8)</b> 11:18 13:19 42:7 60:6 77:3 101:9 135:10 145:22	<b>misstatement...</b> 59:23
<b>match (1)</b> 131:15	53:16 96:20	<b>media (1)</b> 154:18	11:18 13:19 42:7 60:6 77:3 101:9 135:10 145:22	<b>misstatement...</b> 61:22
<b>matching (1)</b> 131:16	114:24 135:5 148:25	<b>medication (1)</b> 8:11	77:3 101:9 135:10 145:22	<b>misstating (2)</b> 56:20 57:15
<b>material (1)</b> 172:12	<b>measures (2)</b> 154:15 176:22	<b>meet (6)</b> 42:21 43:3 44:24 68:21 68:25 69:20	<b>mentioned (6)</b> 50:3 86:18,24 94:10 151:8 158:22	<b>mistaken (3)</b> 9:23 16:25 152:16
<b>materials (1)</b> 152:3	<b>meat (78)</b> 15:15,19 28:3 28:5,6,13,20 28:23 29:2,2 29:15,24 30:4 30:6,14 31:17 32:3,6 49:24 60:21 63:21 93:12,15 95:4 95:10,11 96:9 96:11 97:25 98:5,6,10,10 99:16,20,24 100:6,16 101:11,14,15	<b>meeting (5)</b> 44:14 45:24 46:4,14 47:23	94:10 151:8 158:22	<b>misundersta...</b> 100:3
<b>Matt (2)</b> 3:18 107:11	28:5,6,13,20 28:23 29:2,2 29:15,24 30:4 30:6,14 31:17 32:3,6 49:24 60:21 63:21 93:12,15 95:4 95:10,11 96:9 96:11 97:25 98:5,6,10,10 99:16,20,24 100:6,16 101:11,14,15	<b>meetings (16)</b> 19:2 24:15 26:21 42:25 44:3,25 45:5 45:17,22,25 46:8,22 48:2 48:14 69:13 127:2	<b>merge (2)</b> 121:10 124:2 <b>merged (3)</b> 121:8 123:16 137:3 <b>met (6)</b> 20:25 42:24 44:4,10 45:11 45:18 <b>metal (3)</b> 163:5 164:6 165:7	<b>misused (1)</b> 166:19
<b>matter (5)</b> 137:7 141:9 162:15 175:22 181:19	29:15,24 30:4 30:6,14 31:17 32:3,6 49:24 60:21 63:21 93:12,15 95:4 95:10,11 96:9 96:11 97:25 98:5,6,10,10 99:16,20,24 100:6,16 101:11,14,15	46:4,14 47:23	121:10 124:2 121:8 123:16 137:3 20:25 42:24 44:4,10 45:11 45:18 163:5 164:6 165:7	<b>model (5)</b> 101:13 130:18 132:23 159:12 174:8
<b>matters (1)</b> 6:16	95:10,11 96:9 96:11 97:25 98:5,6,10,10 99:16,20,24 100:6,16 101:11,14,15	45:17,22,25 46:8,22 48:2 48:14 69:13 127:2	<b>models (2)</b> 130:16 131:17 <b>monetary (2)</b> 52:21 158:11 <b>money (9)</b> 75:13 76:3,13	<b>models (2)</b> 130:16 131:17 <b>monetary (2)</b> 52:21 158:11 <b>money (9)</b> 75:13 76:3,13
<b>MBA (3)</b> 11:3,17,21	98:5,6,10,10 99:16,20,24 100:6,16 101:11,14,15	45:17,22,25 46:8,22 48:2 48:14 69:13 127:2	<b>met (6)</b> 20:25 42:24 44:4,10 45:11 45:18 <b>metal (3)</b> 163:5 164:6 165:7	<b>models (2)</b> 130:16 131:17 <b>monetary (2)</b> 52:21 158:11 <b>money (9)</b> 75:13 76:3,13
<b>mean (33)</b> 21:7 23:4 47:3	95:10,11 96:9 96:11 97:25 98:5,6,10,10 99:16,20,24 100:6,16 101:11,14,15	<b>member (15)</b> 19:5,8,9 67:11	<b>met (6)</b> 20:25 42:24 44:4,10 45:11 45:18 <b>metal (3)</b> 163:5 164:6 165:7	<b>models (2)</b> 130:16 131:17 <b>monetary (2)</b> 52:21 158:11 <b>money (9)</b> 75:13 76:3,13

February 14, 2022

[Page 198]

76:17,23	121:13,13	<b>necessary (2)</b>	2:10 7:15	178:2
79:10 111:15	123:9 128:6	9:8 182:5	178:24 181:8	<b>O'Callaghan...</b>
111:22,24	134:11	<b>need (12)</b>	182:25	3:13 162:13
<b>monies (1)</b>	139:16	9:17 34:7	<b>notation (1)</b>	<b>O'CONNOR...</b>
75:7	148:15,18	50:17 63:18	46:2	3:8
<b>Monterrey (3)</b>	157:5,12	93:18,19,19	<b>note (1)</b>	<b>Oak (1)</b>
10:24 11:24	162:12	98:23 99:9	25:11	13:11
12:7	171:24 176:3	154:4 165:21	<b>noted (4)</b>	<b>oath (4)</b>
<b>month (6)</b>	176:21	167:17	48:2,5 129:10	4:16 8:24
21:11 112:12	180:15	<b>needed (1)</b>	168:12	105:15 106:6
112:12,13,14	<b>named (4)</b>	163:21	<b>notes (1)</b>	<b>object (2)</b>
112:21	6:11 16:14	<b>needs (2)</b>	47:21	71:21 76:6
<b>monthly (4)</b>	25:25 124:18	85:9 165:25	<b>notice (24)</b>	<b>objecting (6)</b>
43:2 111:20	<b>names (19)</b>	<b>negotiations ...</b>	5:3 6:8,10 7:3	50:20,21,24
112:9,18	14:3 16:5 18:4	92:5	62:18 63:11	65:16 145:10
<b>move (8)</b>	25:7 42:11,16	<b>net (2)</b>	64:11 80:22	145:13
33:15 52:5	46:19 47:25	75:24 76:3	80:24 81:7,13	<b>objection (108)</b>
60:25 61:19	78:4 89:23	<b>never (15)</b>	82:4,10 83:5	12:21 16:3,12
61:20 64:23	105:8 120:8	27:7 28:4,25	83:11,12 84:2	23:3 25:11
68:14 145:24	134:9 148:20	30:6,7,9 50:2	84:2,4,4,6,10	28:8 39:6,14
<b>moving (2)</b>	148:23,24	59:9 62:20	84:21 85:8	39:20,24
63:19 132:17	179:21,25	63:7 80:17	<b>notification (1)</b>	44:20 45:7
<b>multiple (1)</b>	180:4	140:9 143:25	150:6	48:9,15,24
24:10	<b>narrow (1)</b>	164:2 177:2	<b>Notificias (2)</b>	49:13 52:5,24
<b>multitude (1)</b>	142:13	<b>New (10)</b>	11:8,11	53:17 54:13
141:21	<b>narrowing (1)</b>	1:2 2:11 3:6,10	<b>notified (5)</b>	56:3 57:14
<b>mute (1)</b>	143:25	3:15 7:15	29:11 30:13	58:25 59:21
154:21	<b>NASSAU (1)</b>	120:14 133:3	108:5 146:14	59:22,25 60:7
<b>Muzquiz (2)</b>	181:6	181:4,9	149:15	65:11 67:17
157:20,21	<b>nation (2)</b>	<b>nice (2)</b>	<b>notify (1)</b>	67:19,24
	170:20,21	152:10,20	35:15	68:23 69:15
<b>N</b>	<b>natural (1)</b>	<b>nine (2)</b>	<b>NRC (1)</b>	70:14 71:3,11
<b>N (4)</b>	166:18	47:14,14	104:17	72:4 73:25
3:2 4:2 178:2	<b>naturally (1)</b>	<b>nods (1)</b>	<b>number (8)</b>	74:6,12 75:3
179:13	82:20	9:11	49:12 112:15	75:11 76:10
<b>name (33)</b>	<b>nature (9)</b>	<b>noise (1)</b>	113:13 122:8	76:20 77:19
7:19,25 11:6	20:10 72:11	154:12	128:14 129:9	85:20,21,24
19:11 34:23	76:16 79:23	<b>non-compen...</b>	133:4 179:7	86:6,21 87:23
36:7 38:11	79:24 95:20	58:16	<b>numbers (1)</b>	88:25 89:4
39:4,11 66:12	114:19	<b>nonprofit (1)</b>	159:12	90:8,17 93:4
89:22 94:22	125:21	41:15		95:6 96:15
97:18 108:25	151:25	<b>North (1)</b>	<b>O</b>	98:3,15 99:15
115:23 116:7	<b>necessarily (1)</b>	13:11	<b>O (4)</b>	100:2,10,18
120:10,20	26:2	<b>Notary (5)</b>	4:2 7:13,13	101:4,24

February 14, 2022

[Page 199]

102:17 103:2	6:23 20:6	152:21 163:4	<b>order (8)</b>	<b>ownership (8)</b>
103:16	83:17 129:2	165:5,9	2:8 5:8 6:19	17:5 36:25
106:17	167:14 174:6	175:12	64:21 114:8	53:5 73:23
107:19	175:21	<b>old (1)</b>	131:14	85:18 158:5
108:11,12	<b>occasions (4)</b>	146:24	132:23,23	158:11 159:2
110:13 111:8	13:18 21:3,11	<b>once (7)</b>	<b>ordered (3)</b>	<b>owns (5)</b>
111:17	106:7	21:13 26:22	131:12 132:3	77:5 124:24,25
113:18,23	<b>occur (3)</b>	30:13 35:16	132:13	153:6,22
114:2 117:22	167:16 170:10	44:6 108:4	<b>orders (4)</b>	<b>Oxygen (1)</b>
118:4 122:18	171:8	141:12	27:12 97:10,11	52:4
127:6,10	<b>occurred (3)</b>	<b>ones (7)</b>	117:16	
134:19,20,22	115:17 168:13	56:17 72:14,20	<b>ORLANDO ...</b>	<b>P</b>
135:25 136:3	174:6	78:4 98:12	3:8	<b>P (3)</b>
136:4,8	<b>occurrence (3)</b>	132:24	<b>outcome (1)</b>	3:2,2 4:2
137:16	58:20 59:10,15	173:11	181:18	<b>P.C (1)</b>
140:21,23	<b>off-the-recor...</b>	<b>ongoing (3)</b>	<b>outcomes (1)</b>	3:4
141:14 142:8	40:14	106:12,24	105:13	<b>P.M (1)</b>
142:21	<b>offer (2)</b>	133:6	<b>outset (1)</b>	177:11
143:11	58:11 103:4	<b>online (2)</b>	140:25	<b>package (1)</b>
144:13,25	<b>office (4)</b>	90:25 91:21	<b>outside (8)</b>	115:20
145:7 153:20	3:4 19:18	<b>open (10)</b>	33:19 107:21	<b>packing (1)</b>
169:10	40:22 109:17	105:18 106:20	107:24	132:8
174:17	<b>officer (3)</b>	115:18	149:22 151:6	<b>page (9)</b>
175:18 176:5	4:15 51:4,11	116:13	166:21 168:3	127:20 128:14
176:24 177:4	<b>offices (4)</b>	131:19,23,24	168:16	128:14
<b>objections (9)</b>	109:17 121:24	141:24 142:4	<b>outsourced (2)</b>	130:17 134:2
4:10 6:7 16:11	125:20	142:13	101:22 103:10	179:6,15,20
61:4 63:10	128:22	<b>opened (1)</b>	<b>oversee (1)</b>	182:7
64:2 98:18	<b>official (1)</b>	119:25	155:4	<b>pages (1)</b>
122:14 143:6	45:5	<b>opening (1)</b>	<b>Ovington (1)</b>	130:15
<b>observed (4)</b>	<b>offs (1)</b>	164:19	3:14	<b>paid (3)</b>
167:18 168:17	161:5	<b>operate (2)</b>	<b>owe (1)</b>	110:12 111:20
169:25 170:9	<b>Oh (1)</b>	121:9 169:18	35:15	155:6
<b>observing (2)</b>	132:19	<b>operating (1)</b>	<b>owned (12)</b>	<b>paper (5)</b>
107:15 159:21	<b>okay (23)</b>	86:25	17:13,14,17,19	20:20 47:4,7
<b>obstructing (1)</b>	6:22 10:2,13	<b>operation (3)</b>	17:21 76:25	87:9 128:5
62:3	32:15 33:22	162:18,20	116:4,14	<b>papers (6)</b>
<b>obstructive (1)</b>	34:11 36:13	172:16	125:2 128:9	70:7,13,18
61:17	37:12 79:16	<b>operations (1)</b>	128:11 138:5	71:9,17 180:6
<b>obvious (4)</b>	91:17 100:5	122:9	<b>owner (2)</b>	<b>Para (4)</b>
50:7 64:12	100:10,14	<b>opportunity ...</b>	17:22 77:8	36:14,20 39:19
142:11	107:23 113:5	65:14 145:9	<b>owners (3)</b>	158:18
161:13	117:14	<b>orally (1)</b>	56:8 75:2	<b>part (15)</b>
<b>obviously (7)</b>	145:21 146:4	19:2	128:2	31:20 34:7,9

February 14, 2022

[Page 200]

34:17 46:13	88:7 93:23	29:3 30:20	<b>please (38)</b>	31:22 33:19
73:5 86:19	94:13 120:15	125:6	7:19 10:20	37:21
88:20 91:24	146:14	<b>phone (4)</b>	19:22 22:14	<b>portrayed (1)</b>
103:4 162:22	160:21	19:25 129:9,14	23:4 24:2,3	152:19
163:21	165:18	129:21	28:10 34:13	<b>position (14)</b>
167:24	167:16	<b>phonetic (12)</b>	37:11 39:25	17:2 23:8 27:3
171:25 175:4	<b>people's (1)</b>	11:9 74:11	40:12 45:10	50:2 53:22
<b>partial (1)</b>	145:22	85:19 108:22	58:18 60:25	54:2 62:2
12:5	<b>percent (6)</b>	116:8,12	69:22,24 72:6	83:9 109:7
<b>particular (2)</b>	110:21 111:4	120:10,15,18	72:7 73:8	123:21
38:24 173:18	111:14	134:4,13	74:14,20	126:14
<b>particularity...</b>	112:20	146:25	78:15 85:7,11	146:20
6:16	113:15 146:7	<b>photograph (...)</b>	102:8 119:9	157:22 158:9
<b>particularly ...</b>	<b>percentage (2)</b>	166:14	127:22 135:4	<b>posses (1)</b>
117:6	111:6 131:25	<b>physical (1)</b>	139:5 141:15	169:7
<b>parties (7)</b>	<b>percentages (...)</b>	19:17	141:18 143:3	<b>possibly (2)</b>
2:8 4:6 5:2,4	110:18	<b>physically (3)</b>	144:8,15	62:7 106:10
127:9 154:8	<b>permanent (1)</b>	46:13 91:2,3	151:17	<b>Post (1)</b>
181:16	163:13	<b>pictures (1)</b>	153:13	13:11
<b>partnership ...</b>	<b>permanently...</b>	160:20	172:18	<b>PRAKHIN (1)</b>
6:13 88:19	169:22 172:25	<b>piece (3)</b>	<b>plenty (1)</b>	3:4
<b>parts (4)</b>	173:20	31:21 47:4	8:21	<b>Pre-Covid (1)</b>
97:14 162:19	<b>permission (1)</b>	163:20	<b>plunger (3)</b>	43:23
162:21	166:3	<b>place (9)</b>	164:10,11,14	<b>pre-depositio...</b>
171:16	<b>person (24)</b>	92:2,22 97:10	<b>PO (1)</b>	29:6
<b>party (3)</b>	6:20 10:13	97:11 115:6	131:16	<b>predated (1)</b>
6:11 152:15	17:19 26:15	118:7 131:14	<b>point (19)</b>	31:7
166:23	42:21,24 43:3	171:12	9:3 18:16 28:2	<b>prepare (1)</b>
<b>passed (1)</b>	46:22 47:22	178:11	44:11 51:14	62:22
22:17	50:13 58:2	<b>placed (3)</b>	78:20 80:25	<b>preprinted (1)</b>
<b>pay (1)</b>	91:21,22	49:5 62:17	82:8,18 83:5	130:21
155:7	97:13 99:6	117:17	84:6,10 89:23	<b>presence (1)</b>
<b>pays (1)</b>	108:17,19	<b>places (1)</b>	90:15 108:10	109:23
53:20	142:19	147:23	109:20	<b>present (5)</b>
<b>pedigree (1)</b>	145:17	<b>Plaintiff (3)</b>	127:19	3:17 23:21
154:23	147:16	1:4,11 3:4	149:15	107:16
<b>pending (1)</b>	154:15	<b>Plaintiff's (7)</b>	175:15	159:21
9:19	161:13 164:3	33:3,5,10	<b>poor (1)</b>	174:11
<b>penny (1)</b>	170:6	127:13,15,25	145:22	<b>presented (1)</b>
112:23	<b>personalizati...</b>	179:4	<b>Port (1)</b>	5:18
<b>people (15)</b>	114:17	<b>Plaintiffs (1)</b>	3:10	<b>presently (1)</b>
24:21 35:15,21	<b>personalized...</b>	8:2	<b>portion (2)</b>	46:20
44:14,16	114:20 115:5	<b>plane (1)</b>	37:11 38:12	<b>preserve (3)</b>
76:18 78:9	<b>personally (3)</b>	166:11	<b>portions (3)</b>	85:7,8,12

February 14, 2022

[Page 201]

<b>preshow (1)</b> 94:19	24:10	<b>Procut (14)</b> 37:23,24	49:19,24 50:4	107:24
<b>presidency (1)</b> 44:4	<b>press (1)</b> 161:14	116:17	51:3,7,12,23	109:11,16,20
<b>president (86)</b> 17:3 18:2,24	<b>prevent (3)</b> 8:12 60:10	129:16,22	52:23 53:4,6	109:24 110:8
23:8,16 24:8	173:8	130:6 132:5	53:10,15,21	110:24 112:4
24:9,13,18	<b>previous (1)</b> 56:22	138:3,4 140:7	53:23 54:2,8	113:7,16,20
26:12,18	<b>previously (5)</b> 16:7 105:7	151:16 153:7	54:12,17,20	113:22 114:8
28:24 29:20	137:5 151:7	156:22 159:4	54:23,24 55:3	114:10,13,20
34:25 40:4	179:23	<b>produced (5)</b> 5:6 6:18,20	56:8,8,11,17	115:13 116:4
41:9,12 42:6	<b>prior (10)</b> 13:15 14:5,19	63:9 105:9	56:22,23,25	116:10,15
43:22 46:9	15:12 44:2	<b>product (4)</b> 63:6,7 142:18	57:3,5,20,22	117:20,21
47:13,19	45:2,18 89:18	169:8	59:4 60:21	118:2,12,16
48:18 49:9	97:20 118:8	<b>production (3)</b> 28:20 29:21	63:6,21 65:10	118:17,19,24
50:10 51:6,19	<b>private (1)</b> 6:12	80:12	65:21,25 66:9	119:2 126:14
51:21,22 52:2	<b>privately (2)</b> 17:13,17	<b>Productions ...</b> 120:18	67:3,5,9,12	128:8,9,12
52:10,23	<b>pro (1)</b> 53:9	<b>products (10)</b> 66:5 72:16	67:15 68:22	129:25 130:2
53:14 54:2,18	<b>PRO-CUT (3)</b> 1:7 2:6 3:9	76:15 93:25	69:3,8,19	130:5 135:3
54:22,25	<b>probably (1)</b> 82:23	94:2 96:24	71:8,18 72:2	137:11,20
55:14,19,24	<b>problem (2)</b> 52:17 153:15	141:8,12	72:13,18,22	138:5,14
56:7,11,14,19	<b>problems (1)</b> 60:6	143:2 146:15	73:2,14,15,19	139:8 140:11
57:2,12 58:4	<b>procedure (5)</b> 2:9 5:5 132:4	<b>profit (4)</b> 35:11 75:16,24	73:21,24 74:5	141:3,8,16
58:16,22 59:3	168:5 169:5	113:14	74:10,17,18	143:15,17,21
60:12 61:8	<b>procedures (1)</b> 22:12	<b>profits (6)</b> 74:9,24 75:8	74:21 75:7,15	147:4,6,11
67:5 70:17	<b>proceed (1)</b> 64:9	75:14,19	76:18,25 77:5	148:3,11
71:23 73:13	<b>proceeding (2)</b> 5:23 182:4	79:10	77:8,11,13	151:16 153:7
74:10 75:9,15	<b>proceeds (1)</b> 25:17	<b>program (2)</b> 91:23 94:4	78:2,12 79:11	153:7,22
86:19,25	<b>process (2)</b> 22:21 115:16	<b>Prokraft (243)</b> 1:7,10 2:6 3:9	79:14,17	155:2,10,14
88:10 89:18		39:2,3,3,23	85:15,18,23	158:11
89:25 93:10		41:4,5,9,10	86:4 87:2,14	165:16
96:3 104:22		41:12,17,18	87:17,22 88:4	166:10,21,24
113:16 118:9		42:3,6,12,17	88:11,14,15	167:2 168:4
118:17 119:2		42:19 43:19	88:20,24	168:16 169:9
121:2,15		44:4,12 45:14	89:11,14,15	170:19
122:20,21		45:15 46:10	89:21,22 90:2	171:21,24
123:24 126:7		47:13 49:9,17	90:6,7 93:11	174:12 175:5
126:14 141:2			93:11 94:8,15	175:13,22,24
146:2,21			94:17 95:3,10	176:4,15,21
147:4 150:3			95:13,17,24	180:5,7,9,11
154:25			96:3,6,8,13	<b>Prokraft's (6)</b> 51:16 72:9
174:16			96:24 97:9,12	76:7 103:13
175:16			97:21 98:6,13	110:12
<b>presidents (1)</b>			100:6 101:3,7	114:14
			101:12	<b>pronouncing...</b> 134:13
			102:22,24	
			104:22	



February 14, 2022

[Page 202]

<b>proof (2)</b> 35:22 166:13	<b>pull (1)</b> 104:15	169:14	142:22,25	61:9
<b>proper (2)</b> 104:20 132:16	<b>purchase (11)</b> 35:17,22 38:8	<b>putting (2)</b> 16:10 96:23	143:23 144:5	<b>RAOES (1)</b> 149:5
<b>properly (2)</b> 134:13 153:2	74:4 96:11	<b>Q</b>	144:6,7,11,14	<b>rare (1)</b> 167:7
<b>property (1)</b> 85:19	97:10 117:18	<b>quantity (2)</b> 44:18 132:23	145:11	<b>re-ask (2)</b> 86:23 172:17
<b>protocol (6)</b> 149:18 168:6	117:19	<b>quarterly (3)</b> 24:15 26:21	146:25 148:8	<b>re-asking (1)</b> 9:6
169:3,6,12,14	165:19 166:8	43:2	153:12,17	<b>read (30)</b> 34:10 36:6,13
<b>protocols (1)</b> 22:13	<b>purchased (2)</b> 35:16 95:12	<b>question (97)</b> 4:10 9:4,5,7,9	154:10	37:10,15,19
<b>provide (25)</b> 30:25 40:17	<b>purchaser (1)</b> 97:3	9:16,19 10:8	155:16	37:21,23
51:25 53:8,21	<b>purchasing (3)</b> 38:7 96:24	10:9 18:11	172:17,22	43:14,17 47:5
53:23,24 54:3	105:3	28:10 29:22	173:7 175:7	47:9,18 49:10
54:6,9,12,17	<b>purpose (9)</b> 38:16 48:14	31:13 35:9	176:25	59:12 69:23
54:19 66:3,9	81:12 83:11	38:19 40:12	<b>questioning (2)</b> 68:19 107:16	70:2,6 73:10
66:14,16 67:3	83:20,25	41:3 43:14,16	<b>questions (36)</b> 8:4,6,8,13,16	99:13 102:11
82:8,17,21	84:21 119:4	45:9 50:23,25	8:20,22 10:4	103:7 120:2
113:6 165:17	164:13	51:7,9 52:8	12:17 28:17	128:4 129:12
166:13 167:4	<b>purposely (2)</b> 167:25 170:6	52:13,15	29:5 33:22	130:18
<b>provided (13)</b> 23:23 72:14,20	<b>purposes (1)</b> 84:20	53:12 54:5	41:14 49:16	144:11
72:24 73:4	<b>pursuant (7)</b> 2:8 5:3,7 6:8	55:6 56:5	49:19,20	153:12,17
100:15	6:19 62:18	58:13,17	60:17,20	172:22
110:23 114:9	64:21	59:11,22,23	61:18 62:4,23	<b>reads (1)</b> 37:25
114:12	<b>push (1)</b> 164:15	60:5,22 65:13	63:3,7,18,20	<b>ready (1)</b> 115:15
115:14 135:6	<b>put (20)</b> 10:21 15:24	65:15 68:8,9	64:13 67:18	<b>Real (1)</b> 154:10
137:25	16:15 25:13	68:15 69:21	102:18	<b>really (4)</b> 79:10 146:24
159:13	64:10 67:23	70:2 72:7	122:15 127:6	159:13
<b>providers (1)</b> 168:22	80:4 81:3,5	73:10 74:14	134:20 136:4	161:25
<b>providing (2)</b> 52:22 97:23	84:3 87:24	75:6 77:23	143:13,19	<b>reason (7)</b> 8:15 54:11
<b>prude (1)</b> 146:24	94:2 101:18	80:4 88:22	162:16	62:16 118:17
<b>public (6)</b> 2:10 6:11 7:15	115:9 118:7	90:12 93:21	165:13	141:20 166:5
178:24 181:8	122:14	96:18 97:2	<b>quite (2)</b> 82:20 146:12	182:7
182:25	130:13	98:24 99:3,5	<b>R</b>	<b>reasonable (1)</b> 6:15
<b>publicly (1)</b> 17:13	152:10	99:10,13,20	<b>R (6)</b> 3:2 4:2 7:13,13	<b>recall (10)</b> 31:3,5 44:10
	153:10	100:8,14	178:2 181:2	49:3,7,7 61:6
		102:7,11	<b>R-E-Y (2)</b> 120:21 122:25	
		103:7 106:4	<b>rail (1)</b> 168:17	
		114:4 117:3	<b>raise (1)</b> 62:6	
		118:21 129:4	<b>raises (1)</b>	
		129:8 133:20		
		139:6 140:22		
		141:15		

February 14, 2022

[Page 203]

93:2 137:6 149:14 <b>recalling (2)</b> 15:9 60:11 <b>receive (15)</b> 5:11 26:19 52:20 53:3,13 55:18 57:21 81:8,9 82:4,9 82:17 95:3 113:15 126:2 <b>received (12)</b> 28:18 32:3 61:4 83:10 104:13 112:6 132:7,13,24 154:8,14 180:13 <b>receiving (1)</b> 131:14 <b>recess (4)</b> 43:11 79:2 114:5 151:12 <b>recite (1)</b> 47:16 <b>recollection (8)</b> 48:12 61:11 78:13 93:6 105:20 111:21 133:10 147:9 <b>recollects (1)</b> 65:4 <b>record (18)</b> 7:20 10:21 15:24 16:16 40:13 49:6 58:12 62:18 64:4,25 67:24 68:3 80:5 87:19 133:3 140:10 153:24 181:13	<b>recordkeepi...</b> 35:20 <b>records (4)</b> 14:16 15:8 25:3 157:7 <b>red (1)</b> 61:9 <b>REDD (1)</b> 3:8 <b>reduce (7)</b> 15:25 25:6 42:15 71:15 87:19 112:2 115:18 <b>reduced (1)</b> 8:22 <b>reducing (1)</b> 16:3 <b>refer (1)</b> 18:15 <b>referred (9)</b> 43:16 69:25 73:9 99:12 102:10 103:6 144:10 153:16 172:21 <b>referring (4)</b> 23:6 43:18 108:16 115:25 <b>Refrigeracio...</b> 36:15,21 39:19 <b>refrigeration...</b> 12:25 13:8,10 16:21 17:4,6 17:16 18:10 18:14,21 20:24 24:7,11 25:9 26:3,13 27:19,20,22 28:4,25 29:19 30:5 31:14,18 36:3,23 37:5	37:6 38:4 40:5,11 41:2 51:10,22 53:3 53:19,21 54:16,19 55:15 56:9,15 59:4 63:4,5 66:3,15 72:17 87:16 109:6 123:2,6,8,17 124:3,25 125:2 127:7 128:22 129:18 130:8 132:11 134:18 135:3 135:13 136:21,24 137:4 138:6 138:19 139:13 141:3 146:21 147:25 151:22 153:6 153:21,22 154:16 155:22 156:12,19 158:5 159:3 165:17 171:22,23 174:13 175:5 175:14 176:2 176:13,20 180:3 <b>Refrigeratio...</b> 66:2 <b>regard (4)</b> 104:25 114:18 124:16 144:23 <b>regarding (8)</b> 15:10 22:24 28:20 62:18	122:15 127:7 164:23 168:24 <b>regardless (4)</b> 57:10 83:7 100:17 101:12 <b>regards (16)</b> 5:21 8:5,8 16:7 28:13 29:5,23 30:3 39:11 69:13 71:2 105:10 117:18 138:19 139:12 179:23 <b>regular (17)</b> 14:12 19:10 21:6,11 22:4 22:9 38:15,21 46:12 55:12 59:10,14 70:12 86:17 87:6 138:23 157:8 <b>regularly (2)</b> 19:4,6 <b>reiterate (2)</b> 132:6 136:3 <b>related (4)</b> 110:5 134:21 136:4 181:16 <b>relating (1)</b> 134:21 <b>relation (1)</b> 80:13 <b>relationship ...</b> 36:25 39:18 40:20 65:10 65:18 <b>release (1)</b> 95:19 <b>relevance (1)</b>	25:12 <b>relevant (2)</b> 63:20 82:20 <b>remember (39)</b> 14:25 15:2,5 15:20 47:14 47:24 60:3 61:15 62:24 65:5,6 78:3 85:16 89:13 106:23 107:7 119:3 120:8 122:5,7 124:15,21 133:8 134:2,6 134:7 137:11 139:16,20 140:2,24 141:5,6,23 142:16 157:5 160:2,18,19 <b>remote (2)</b> 20:7,8 <b>removable (5)</b> 163:16,17,18 164:25 169:24 <b>remove (2)</b> 163:23 170:3 <b>removed (6)</b> 163:15 169:20 171:4,12 173:3,10 <b>render (1)</b> 166:24 <b>rendered (1)</b> 111:2 <b>repair (2)</b> 167:17 168:15 <b>repeat (13)</b> 18:11 41:8 55:6 56:21 58:18 69:21 73:6 74:19
--	--	---	--	--

February 14, 2022

[Page 204]

76:22 99:10 102:7 103:3 133:19 <b>rephrase (2)</b> 35:5 45:9 <b>report (3)</b> 55:15 168:10 168:25 <b>reporter (15)</b> 10:11 33:7 43:17 70:3 73:11 79:4 99:14 102:12 103:8 127:17 144:12 153:18 162:3 172:23 179:11 <b>reports (1)</b> 168:9 <b>represent (2)</b> 8:2 162:13 <b>representati...</b> 19:3,7 129:15 <b>represented (...)</b> 111:4 <b>representing ...</b> 107:9 112:19 <b>request (4)</b> 16:5 110:17 115:5 157:12 <b>requested (2)</b> 105:8 179:19 <b>require (1)</b> 139:8 <b>required (2)</b> 68:21 110:11 <b>requirement...</b> 70:7 104:8 <b>requires (1)</b> 139:3 <b>research (1)</b> 14:9 <b>resell (1)</b>	102:24 <b>resells (2)</b> 96:25 98:13 <b>reserve (2)</b> 7:4,9 <b>reserved (1)</b> 4:11 <b>resident (1)</b> 12:9 <b>residential (1)</b> 26:5 <b>resolved (1)</b> 133:6 <b>resource (1)</b> 11:15 <b>respective (2)</b> 2:7 4:5 <b>respond (7)</b> 6:2 7:7 16:11 25:14 71:21 98:19 156:12 <b>responds (1)</b> 9:15 <b>response (6)</b> 6:24 9:15 51:2 142:2,4 149:3 <b>responses (2)</b> 9:11 57:19 <b>responsibiliti...</b> 154:25 <b>responsibilit...</b> 103:23 <b>restaurants (1)</b> 27:22 <b>restrict (1)</b> 83:23 <b>restrictive (1)</b> 84:13 <b>result (7)</b> 15:15,18 89:16 106:15,15 137:10 149:16 <b>retails (1)</b>	93:24 <b>retained (1)</b> 179:11 <b>review (8)</b> 30:15 104:19 119:23 131:20 141:7 141:12 151:4 166:17 <b>reviewed (4)</b> 46:18 48:20 95:15 182:3 <b>Rey (62)</b> 24:7 59:4 120:20 121:2 121:6 122:15 122:20,25 123:7,10,17 124:3,12,25 125:2 127:7 128:22 129:18 130:7 134:11,12,18 135:3,12 136:11,21,24 137:4 138:6 138:19 139:12 140:12 141:3 141:9 146:21 147:24 148:5 148:11,20 149:5 151:21 153:6,21 154:16 155:17,20,21 156:11,19 158:5 159:3 165:16 171:21,23 174:12 175:5 175:14,20,24 176:2,13,19 <b>right (31)</b>	7:4,8 14:10 32:13,25 33:3 36:6,9 38:20 68:13 74:4 81:4,15 83:4 88:13 95:23 100:7 102:19 116:3 128:7 129:11 130:17 132:3 151:11 155:11,22,25 164:7 168:13 170:8 173:24 <b>rights (2)</b> 7:10 85:18 <b>Road (1)</b> 13:11 <b>Rosary (1)</b> 120:15 <b>rose (1)</b> 149:4 <b>round (1)</b> 67:20 <b>rule (5)</b> 6:8,9 46:15 62:19 80:17 <b>ruled (1)</b> 174:25 <b>rules (10)</b> 2:9 5:4 22:11 46:22 61:23 63:12,14,15 63:25 69:12 <b>run (4)</b> 116:18,20 130:7 151:21 <b>running (1)</b> 75:20 <hr/> <b>S</b> <hr/> <b>S (6)</b> 3:2 4:2,2 7:13 88:15 179:2	<b>S.A (1)</b> 36:21 <b>safe (2)</b> 149:20 150:15 <b>safest (1)</b> 164:17 <b>safety (8)</b> 104:25 162:24 163:4,24 164:25 174:14 175:17 176:22 <b>salary (1)</b> 53:20 <b>sales (16)</b> 27:24 30:4 66:24 72:10 73:3 94:16,22 112:19,21 113:10 135:8 156:21 157:16,17 158:9 176:15 <b>salesman (1)</b> 157:22 <b>salespeople (1)</b> 66:7 <b>sampling (2)</b> 131:22 132:12 <b>San (1)</b> 134:12 <b>sanitary (1)</b> 164:21 <b>saw (1)</b> 170:5 <b>saying (13)</b> 6:2 7:2 47:11 56:16 81:18 81:18 82:9 120:13 143:18,20 152:16 153:14
---	--	---	---	---



February 14, 2022

[Page 205]

158:23	33:8,11,12	81:12 83:13	82:12 86:15	182:1
<b>says (9)</b>	34:14,21 36:7	<b>sends (1)</b>	86:18 87:2,5	<b>shell (5)</b>
9:12 26:3 34:9	37:12,14	35:25	87:11,21 88:3	57:6 90:7,10
36:11,14	76:12 81:20	<b>sense (4)</b>	110:9,16,20	93:3,7
37:13 61:6	83:2 84:12	80:15 129:5	112:20 113:7	<b>shift (2)</b>
153:25 182:3	94:4,19	149:9 173:3	129:15	33:15 116:7
<b>scales (3)</b>	101:18	<b>sensory (2)</b>	134:17,25	<b>ship (1)</b>
27:24 37:6	105:21	69:5 70:21	166:12,25	115:15
123:20	122:12	<b>sent (10)</b>	167:4,7	<b>shipment (1)</b>
<b>schedule (2)</b>	127:21 128:2	76:18 81:15,17	168:21 180:8	66:4
70:4 82:13	128:13	81:21 83:3,8	<b>serviced (1)</b>	<b>shipped (1)</b>
<b>scheduled (1)</b>	129:11	83:17 126:13	168:15	131:10
45:16	130:15,17	153:8 166:9	<b>services (20)</b>	<b>short (6)</b>
<b>school (2)</b>	166:17 168:4	<b>separate (3)</b>	23:23 40:18	43:11 64:22
91:9,12	169:4,14	49:15,20	51:25 52:10	79:2 92:11
<b>schooling (1)</b>	170:2,12	113:21	53:9,21,25	114:5 151:12
11:19	175:2	<b>separately (1)</b>	54:3,7,12,18	<b>show (6)</b>
<b>screen (3)</b>	<b>seeing (1)</b>	163:19	66:3,6,15,17	170:11,14,16
32:25 128:3	62:11	<b>separating (1)</b>	67:2 97:23	170:17,17,22
139:17	<b>seek (1)</b>	176:10	100:15 111:2	<b>showing (2)</b>
<b>sealed (1)</b>	98:25	<b>September (2)</b>	150:5	82:10 127:24
115:15	<b>seen (20)</b>	124:16 133:9	<b>servicing (1)</b>	<b>shows (4)</b>
<b>sealing (1)</b>	28:22 46:7,19	<b>Sequepas (1)</b>	27:25	95:15 130:14
4:6	46:24 47:2,6	134:12	<b>set (3)</b>	170:19,25
<b>search (3)</b>	47:21,25	<b>serial (1)</b>	70:4 181:12,21	<b>shut (1)</b>
22:15 108:13	78:10,10	115:7	<b>settled (4)</b>	161:5
108:20	80:19 88:2	<b>serious (2)</b>	105:19 106:12	<b>side (3)</b>
<b>searched (2)</b>	89:3,9 101:11	50:14,15	106:22	33:21 154:15
30:17,22	109:24 120:4	<b>serve (3)</b>	139:25	161:22
<b>searching (1)</b>	168:2,14	41:9 59:3	<b>share (7)</b>	<b>sides (1)</b>
108:9	171:4	135:13	32:19,20 33:2	67:7
<b>secaution (1)</b>	<b>sell (5)</b>	<b>served (7)</b>	40:22 109:11	<b>sign (5)</b>
74:11	31:16,23 35:11	5:3 62:20	109:14	66:7 88:7
<b>second (11)</b>	103:13	80:13,17,19	127:12	118:9,12
24:4 32:17	116:24	80:23 84:24	<b>shared (2)</b>	139:10
41:3 55:5	<b>selling (1)</b>	<b>serves (5)</b>	109:17 113:21	<b>signator (3)</b>
81:5 91:14	141:8	11:18 13:19	<b>shareholder ...</b>	95:18 111:11
98:19 120:21	<b>sells (1)</b>	42:7 83:25	126:7 157:23	111:12
133:25 143:7	98:13	135:10	158:10	<b>signators (2)</b>
143:9	<b>send (6)</b>	<b>service (33)</b>	<b>shareholders...</b>	88:7 118:2
<b>sections (2)</b>	5:13 32:21	52:22 53:23	75:2 158:4	<b>signature (3)</b>
112:5 180:12	35:14 80:22	54:9,16,19	<b>shares (1)</b>	139:4,9 182:21
<b>see (33)</b>	83:14 169:6	56:9,24 57:10	74:5	<b>signed (6)</b>
6:23 7:2 20:13	<b>sending (2)</b>	65:20,22,24	<b>SHEET (1)</b>	4:14,16 65:25

February 14, 2022

[Page 206]

88:9,11 119:4 <b>significance (...)</b> 9:22 82:7,11 82:15 <b>significant (1)</b> 64:6 <b>signs (6)</b> 118:18,23 160:4,6,9,12 <b>similar (6)</b> 102:13 124:18 134:25 135:5 155:17,19 <b>simple (1)</b> 161:12 <b>single (1)</b> 111:19 <b>sir (4)</b> 10:14 79:8 102:19 175:10 <b>sit (2)</b> 8:10 28:7 <b>site (6)</b> 116:13,17 129:24 151:21 153:10 155:24 <b>sits (1)</b> 76:24 <b>sitting (3)</b> 12:14 76:24 77:2 <b>situated (1)</b> 12:14 <b>six (2)</b> 77:3 92:21 <b>size (3)</b> 160:11,14,23 <b>sizes (1)</b> 161:18 <b>slicer (1)</b> 37:23	<b>slicers (2)</b> 38:7 121:7 <b>small (1)</b> 169:17 <b>smaller (1)</b> 115:19 <b>smooth (1)</b> 173:2 <b>social (1)</b> 45:12 <b>sold (23)</b> 28:5,23 29:2,2 30:6 38:25 39:2,22 94:18 115:20 117:7 121:7 131:9 132:7 137:14 137:18 147:4 149:5 163:19 164:24 167:11,24 174:22 <b>somebody (7)</b> 30:21 62:7 97:3,4 167:22 170:12 173:4 <b>sorry (9)</b> 21:14 35:5 36:10 53:12 64:19 73:5 101:6 132:19 161:3 <b>sort (1)</b> 127:21 <b>sounds (1)</b> 175:7 <b>source (2)</b> 110:6 151:6 <b>sourcing (1)</b> 97:5 <b>Spain (2)</b> 11:4,6 <b>speak (4)</b> 48:7 58:7 90:2	108:7 <b>speaking (6)</b> 61:3 63:25 65:15 98:18 143:11 145:7 <b>speaks (1)</b> 59:24 <b>special (1)</b> 168:10 <b>specific (36)</b> 22:11,21 23:9 23:12 28:9 31:9 40:12 43:20 44:7,17 46:6 49:11 50:21 75:17 79:16 91:11 92:7,10,17 94:3 99:17 111:10,21 112:15 113:12 123:23 124:4 126:19 133:11 134:6 154:18 159:23 160:14 161:9 161:18 169:12 <b>specifically (...)</b> 6:9 11:7,13 14:17 27:18 31:11 93:11 98:7 112:4 114:23 140:9 141:16,17 168:24 180:11 <b>specifics (12)</b> 15:11,22 46:25 48:11 120:5 124:21 137:23	144:19 160:18 162:21 163:10 165:3 <b>specified (2)</b> 168:12 178:11 <b>specify (1)</b> 135:4 <b>spell (2)</b> 97:17 108:25 <b>spelled (1)</b> 13:3 <b>spent (1)</b> 111:23 <b>spoke (2)</b> 47:23 108:6 <b>SS (1)</b> 181:5 <b>staff (2)</b> 30:21 72:19 <b>stage (1)</b> 5:15 <b>Stamford (5)</b> 90:22 91:13,15 91:20 92:5 <b>stand (1)</b> 95:13 <b>standard (3)</b> 16:3 121:19 174:20 <b>standards (2)</b> 164:23 165:4 <b>standing (1)</b> 159:21 <b>start (4)</b> 63:19,19 91:4 111:4 <b>started (5)</b> 18:13 30:12 85:17 89:14 93:10 <b>starting (1)</b> 155:2 <b>state (12)</b>	2:11 7:15,19 9:5 23:13 69:7,11 107:6 107:17 133:3 181:4,9 <b>stated (18)</b> 16:19 18:13 38:25 47:10 47:22 49:25 64:17 71:22 83:7 84:22 86:3 93:9 105:6 106:5 111:12 120:6 134:5 151:20 <b>statement (6)</b> 62:17 81:3,5 84:3 116:19 175:7 <b>states (4)</b> 1:2 6:9 90:14 159:7 <b>stay (3)</b> 51:14,15 175:21 <b>stays (1)</b> 19:6 <b>step (1)</b> 69:3 <b>steps (5)</b> 150:13 151:2 174:13 175:14 176:17 <b>STIPULAT...</b> 4:4,9,13 <b>stock (7)</b> 73:23 79:23 163:3,9,22 164:19 165:6 <b>stop (2)</b> 132:17 168:25 <b>stopping (1)</b> 64:19
---	---	---	---	---

February 14, 2022

[Page 207]

<b>straight (1)</b> 110:21	62:11	182:22	34:17 39:23	47:19
<b>street (6)</b> 3:5,10 7:23 122:3,6,7	<b>supplied (1)</b> 90:5	<b>symbol (2)</b> 34:20,24	90:24 93:24	<b>term (4)</b> 9:13 79:15
<b>strength (1)</b> 172:11	<b>supplier (1)</b> 36:22	<b>system (2)</b> 173:8,19	98:6 99:16	97:6 98:11
<b>strong (2)</b> 164:5 170:13	<b>supplies (1)</b> 37:3	<b>systems (1)</b> 172:13	100:6 102:2	<b>terms (5)</b> 25:12 96:23
<b>structure (4)</b> 17:9 41:16 88:19 121:12	<b>supply (1)</b> 37:4	<b>T</b>	103:4 115:12	111:7 152:25
<b>structured (1)</b> 70:24	<b>supposed (2)</b> 162:4 172:7	<b>T (6)</b> 4:2,2 178:2 179:2 181:2,2	131:3 133:17	165:6
<b>study (2)</b> 11:14 94:3	<b>supposedly (1)</b> 174:2	<b>T-O-R (2)</b> 120:21 122:25	140:6,6,7,8	<b>Terrain (1)</b> 137:19
<b>stuff (2)</b> 46:16 94:20	<b>Supreme (1)</b> 133:3	<b>T-O-R-E-Y (1)</b> 13:3	<b>task (2)</b> 108:18,20	<b>test (2)</b> 65:4 170:5
<b>subject (4)</b> 95:5 105:4 122:17 136:5	<b>sure (31)</b> 6:5 28:17 32:23 33:16 37:16 50:16 64:11 68:4 71:5 83:14 85:3,11 104:19 106:12 120:14 131:12,25 132:12,22 140:2 144:22 145:13 149:19 150:14,23 153:13 154:2 155:5 158:20 175:6 176:12	<b>T-O-R-R-E-...</b> 123:6	<b>tax (2)</b> 112:3 180:10	<b>testified (26)</b> 7:16 13:22 14:4 16:7 71:24 105:7 105:15,24 106:3,6,9,13 106:20 120:7 137:8 140:12 140:15,20 141:22,23 142:20 147:13,19 148:5 176:8 179:23
<b>subpoena (1)</b> 6:10	<b>switch (3)</b> 161:7,12,20	<b>take (23)</b> 9:17 10:12,16 32:10 46:19 69:2 71:20 78:14,19 81:25 83:18 91:5,17 92:2 92:22 139:17 150:13 151:2 151:9 168:6 171:25 172:14 175:14	<b>taxes (2)</b> 85:23 155:8	<b>testify (8)</b> 8:25 39:11 62:3,8 64:24 65:2 146:5 178:5
<b>Subscribed (2)</b> 178:19 182:22	<b>switches (2)</b> 161:9,16	<b>taken (11)</b> 2:7 43:12 45:21 79:3 90:13 104:24 114:6 151:13 168:17 176:17 182:4	<b>Tech (3)</b> 11:24 12:6,7	<b>testifying (4)</b> 8:12 133:8 134:2 141:10
<b>substance (1)</b> 8:11	<b>sworn (12)</b> 4:14,17 7:12 7:14 13:15,24 15:14 178:5 178:19 181:12 182:2	<b>takes (2)</b> 46:23 58:3	<b>technical (1)</b> 43:9	<b>testimonies (3)</b> 14:20 15:13 140:16
<b>sued (1)</b> 145:18		<b>talk (2)</b> 42:22 94:19	<b>technician (7)</b> 166:16,19,20 167:3,10,12 168:9	<b>testimony (29)</b> 8:23 10:12 13:15,25 15:14 40:3 57:15 58:7,9 59:24,24 60:19 62:12
<b>sufficient (2)</b> 112:22,25		<b>talking (18)</b> 23:7 25:24	<b>tenure (3)</b> 24:5 30:8	
<b>sufficiently (1)</b> 7:7				
<b>Suffolk (1)</b> 133:4				
<b>suit (1)</b> 8:10				
<b>suite (5)</b> 13:12 109:12 109:14,14 122:4				
<b>suits (1)</b> 14:4				
<b>supervising (1)</b>				

February 14, 2022

[Page 208]

62:22 64:7,20	156:4	43:20 44:9,13	<b>told (8)</b>	156:11,19
65:2 71:12	<b>think (19)</b>	44:22 45:3	29:14 49:25	158:5 159:3
80:9 106:14	5:12 34:15	56:6 59:19	67:6 85:16	165:16
124:16	57:16,17 61:8	60:4 64:22	90:3 106:8	171:21,23
133:21	63:18 78:23	67:25 68:5	108:2 118:25	174:12
143:17	82:23 92:12	76:23 81:5	<b>Tom (3)</b>	175:13,20,24
153:21 154:4	99:19,23	89:13,20,25	82:3,4 162:12	176:2,13,19
178:6,10	123:24	92:8 98:21	<b>top (11)</b>	<b>Torey (151)</b>
181:14 182:5	137:24	101:21	34:19,21 36:12	12:25 13:3,6,7
<b>testing (6)</b>	145:17	102:21	62:25 67:4	13:10 16:20
101:22,23	150:18	104:21	113:2 128:4,7	17:3,6,16
102:23	160:25	120:11	130:15,17	18:10,14,15
103:12,19	170:15 173:5	121:15 132:7	167:18	18:20 20:24
170:2	173:19	133:7 140:16	<b>top-left (1)</b>	23:17,25 24:5
<b>Texas (9)</b>	<b>third (5)</b>	144:18	38:12	24:11,18,23
7:24 12:16	67:20 76:23	146:16,18	<b>topic (1)</b>	25:9,17,20
13:12 69:11	106:2 132:7	147:16	23:12	26:9,12 27:11
69:14 70:9	166:23	148:17	<b>topics (5)</b>	27:18,20 28:2
122:2 135:24	<b>third-party (6)</b>	149:25	62:21 80:24	28:4,25 29:19
136:16	1:11,17 3:13	153:23 157:2	82:24 84:8,14	29:22 30:2,5
<b>thank (8)</b>	152:23	161:25 174:6	<b>Tor (61)</b>	31:10,14,18
16:9 34:2,14	162:14	174:11,16	24:7 59:4	31:20 34:20
34:15 161:25	168:21	175:15	120:20 121:2	34:23 35:3,7
165:10 177:7	<b>THOMAS (1)</b>	178:10	121:6 122:15	35:24 36:2,5
177:10	3:15	<b>times (13)</b>	122:20,25	36:11,19,23
<b>thanks (2)</b>	<b>three (11)</b>	13:20,21,24	123:7,10,17	37:4 38:6,8
25:13 87:25	21:4 37:8,18	15:17 21:5	124:2,12,25	38:11,16 39:4
<b>thing (4)</b>	37:19 38:3	45:18 68:10	125:2 127:7	39:12,18,23
59:6 61:12	92:12 106:10	69:18 106:9	128:22	39:25 40:4,9
127:19 131:9	130:17	129:2 140:13	129:18 130:7	40:10,25
<b>things (29)</b>	133:22	140:13	134:11,12,17	46:10 49:9,17
8:9 16:15	139:24	146:13	135:3,12	50:5 51:10,21
20:10 23:15	140:14	<b>title (3)</b>	136:11,21,24	53:3,19,20,22
33:16,17	<b>thrown (1)</b>	109:7 123:21	137:4 138:6	54:15,18 55:9
35:11 50:17	40:2	123:24	138:18	55:10,14,20
61:2,21 62:24	<b>thumbs (1)</b>	<b>today (18)</b>	139:12	56:2,9,15
66:7,10 67:23	156:5	5:6 8:5,10,17	140:12 141:3	57:3,7,12,23
72:11 76:16	<b>time (57)</b>	13:16 14:5	141:8 146:21	63:4,5 65:10
94:23 95:19	1:20 4:11 9:17	18:8,20 28:7	147:24 148:5	65:20 66:2,2
115:8,9 131:4	10:13 14:6,25	29:10 50:16	148:11,20	66:11,15 67:3
142:10	15:5,20 18:6	51:13 64:20	149:5 151:21	67:6 70:17
145:15,25	21:13 23:25	85:13 105:16	153:6,21	72:15,17,20
151:24,25	30:12 31:8,25	107:10,16	154:16	72:24 73:4
152:22 153:2	42:4,5,13	162:2	155:16,20,21	74:11 77:11

February 14, 2022

[Page 209]

77:22,25 78:4	<b>transaction (1)</b>	<b>two (21)</b>	158:9 161:4	<b>unable (2)</b>
78:12 87:3,13	39:13	23:2 24:20	161:17 163:5	7:6 8:16
87:16,21 88:3	<b>transcript (6)</b>	48:19 49:20	165:19 168:5	<b>unacceptable...</b>
88:10 90:5	8:23 10:16	51:19 61:4	169:5,25	62:13
94:25 95:2,11	58:8 178:9,9	92:8,12	172:13	<b>uncertain (2)</b>
97:21 104:22	182:3	102:18	173:13	9:4 143:10
107:18 109:4	<b>transfer (1)</b>	105:23 106:9	<b>typed (1)</b>	<b>uncommon (1)</b>
109:5,11,18	154:7	120:21	36:5	147:7
110:2,5,12,23	<b>transferred (3)</b>	122:25	<b>types (10)</b>	<b>understand (...)</b>
112:3 113:7	111:15 153:9	123:11	93:18 97:24	6:24 9:9 18:12
113:11,16,20	154:9	133:23	98:5 102:15	25:23 31:12
113:22,24	<b>transfers (2)</b>	134:11	103:15	35:4,8 38:18
114:10	112:5 180:12	140:13	116:25	44:16 48:13
115:14	<b>trend (5)</b>	146:13 149:8	155:23	48:20 50:19
116:22 123:5	94:5,7,7,11,12	149:13	169:18 171:5	51:17 52:7
123:18 125:8	<b>trial (1)</b>	176:10	171:8	53:11 54:4
126:22 127:3	4:11	<b>type (65)</b>	<b>typo (1)</b>	59:14 64:2
135:11,15	<b>trick (1)</b>	8:11 9:20,21	152:25	74:13 75:5,22
137:2 175:5	8:20	12:19 28:19		75:23 76:2
180:3,9,10	<b>tried (2)</b>	29:23 30:15	<b>U</b>	80:7 88:21
<b>Torey's (1)</b>	164:2 170:12	30:16 34:20	<b>U (2)</b>	93:20 96:17
39:11	<b>true (3)</b>	36:24 40:20	4:2 7:13	96:19 99:9
<b>Tories (1)</b>	148:10 178:9	42:25 52:20	<b>U.S (10)</b>	100:2 104:6
113:24	181:13	60:9 79:14,17	12:8,9 86:13	117:2 144:14
<b>Torrey (2)</b>	<b>trust (1)</b>	88:18 92:14	90:18 103:20	144:16
134:16,18	167:12	93:17,22 97:4	117:8 125:15	145:12,25
<b>Tory (3)</b>	<b>truth (1)</b>	97:5,22 99:24	125:21,24	150:25
114:12 116:18	178:5	99:25 100:13	129:21	153:14
132:10	<b>truthfully (3)</b>	101:22	<b>U.S.A (4)</b>	154:11
<b>total (1)</b>	8:17 51:9	102:14	137:19 148:5	172:11
92:4	146:5	103:12	148:12 149:5	175:25 176:6
<b>touch (1)</b>	<b>try (5)</b>	104:19,24	<b>ULNFF (1)</b>	<b>understandi...</b>
19:6	8:19 83:21,22	108:8 115:15	104:15	8:13 81:17
<b>Tracy (1)</b>	167:13 170:6	117:17	<b>ultimate (1)</b>	109:13 113:6
97:16	<b>trying (1)</b>	119:13,18,23	89:16	116:16 149:2
<b>Tracy's (1)</b>	80:7	124:9 125:4	<b>um (8)</b>	<b>understands ...</b>
97:17	<b>tubes (1)</b>	130:18,24	19:2 21:4	99:2 145:8
<b>trade (3)</b>	173:14	131:2,3,4,11	25:22 94:3	176:12
170:11,14,19	<b>turn (2)</b>	132:11	105:18	<b>understood (4)</b>
<b>traded (2)</b>	60:15 161:11	134:17 138:2	107:11 166:9	10:3 33:23
17:13,15	<b>twice (5)</b>	141:7,11	166:11	49:22 55:7
<b>trademark (3)</b>	105:24 106:14	142:17	<b>umbrella (4)</b>	<b>Uniondale (1)</b>
115:22 116:4	106:21 134:8	149:18 151:4	31:15,20,21	3:15
128:7	140:15	157:22 158:4	57:5	<b>unit (3)</b>



February 14, 2022

[Page 210]

7:23 26:5 167:11 <b>United (3)</b> 1:2 90:14 159:7 <b>units (3)</b> 37:5 103:20 132:21 <b>Universidad ...</b> 11:8,10 <b>university (8)</b> 11:3,5,19,24 12:6 90:22 91:16 92:14 <b>unsafe (1)</b> 174:25 <b>USA (3)</b> 120:21 121:2 122:15 <b>usage (1)</b> 168:6 <b>use (15)</b> 9:13 15:18 21:19,24 38:2 49:10 83:21 103:21 109:12 152:13,17 164:4,15 169:18 173:13 <b>user (5)</b> 119:17,19,23 120:2 130:16 <b>users (1)</b> 119:15 <b>usually (3)</b> 154:18 165:22 167:7	28:15 142:23 142:25 <b>Valverde (13)</b> 19:12,14,15,16 19:21 20:25 21:12 22:6,18 24:16 26:21 27:6 55:13 <b>variety (3)</b> 8:3 20:2,5 <b>VASQUEZ (...)</b> 3:11 5:2 6:5 7:9 10:20 12:21 16:9,17 23:3 25:10 28:8,14 32:15 32:18,23 39:6 39:14,20,24 40:7 43:7 44:20 45:7 48:9,15,24 49:13 50:19 52:4,14,24 53:17 54:13 56:3 57:14 58:5,25 59:21 60:7,14 61:24 62:14 64:18 65:11,17 67:17 68:7,13 68:23 69:15 70:14 71:3,11 71:19 72:4 73:25 74:6,12 75:3,11 76:6 76:10,20 77:19 78:14 78:23 80:2 81:9,14,24 82:3,19 84:5 85:5,20,24 86:6,21 87:23 88:25 89:4 90:8,17 93:4	95:6 96:15 98:3,15,22 99:8,15 100:5 100:10,18,25 101:4,24 102:4,17 103:2,16 106:17 107:19 108:11 110:13 111:8 111:17 113:18,23 117:22 118:4 122:13 124:6 127:5 134:19 135:25 137:16 140:5 140:21 141:14 142:3 142:21 143:13,18 144:7,13,25 145:10 146:6 146:16 153:11,19 154:20 162:6 169:10 174:17 175:18 176:5 176:7,24 177:4 <b>venue (2)</b> 69:6 106:25 <b>verbal (1)</b> 9:11 <b>verbally (1)</b> 9:23 <b>verbatim (1)</b> 47:17 <b>verification (1)</b> 86:14 <b>verse (1)</b> 134:4	<b>version (1)</b> 155:9 <b>vibrant (1)</b> 161:17 <b>vice (2)</b> 123:24 126:7 <b>video (8)</b> 20:14 21:19,22 21:24 42:20 42:23 78:6 166:14 <b>visibility (1)</b> 73:3 <b>visible (2)</b> 161:13 172:8 <b>visit (2)</b> 126:10,15 <b>visually (1)</b> 101:18 <b>voices (1)</b> 68:11 <b>voted (1)</b> 48:23	78:19,22 79:5 93:25 94:13 96:9 99:10 102:20 108:3 112:16 117:14 120:9 124:23 127:20 129:5 129:6 136:2 140:14 142:10,12 144:22 145:24 146:4 150:23 153:13,19 154:2 157:14 162:4 175:6 176:11 180:17 <b>wanted (6)</b> 5:8 22:15 48:7 98:22 163:23 174:3 <b>warehouse (...)</b> 66:4,10 90:4 113:8 114:9 114:12 115:12,13,16 119:11 128:19,21 131:6,10,13 131:18 132:14 135:12,13,21 135:22 136:11,13,17 136:20,22,23 136:25 137:3 137:5 <b>warehoused ...</b> 72:16 <b>warehouses (2)</b> 72:14 125:20 <b>warehousing...</b>
---	--	--	---	--

February 14, 2022

[Page 211]

66:18 72:10	25:5 32:22	50:4 92:13	172:19 181:8	<b>X (5)</b>
110:23 135:7	39:23 49:4,16	<b>west (2)</b>	181:25	1:3,9,18 179:2
176:16	51:12,16	86:11 117:11	<b>word (8)</b>	179:13
<b>warning (10)</b>	52:12 60:20	<b>whatsoever (1)</b>	9:4 36:6 69:7	<b>Xx-xx-xxxx (1)</b>
109:21 110:3	60:23 62:10	84:18	82:2 83:18	10:19
131:4 132:16	63:4,6,10	<b>wheel (1)</b>	96:19 120:21	
160:4,9,12,20	64:12,18,23	49:11	123:6	<b>Y</b>
160:24 172:5	66:17 71:16	<b>WHEREOF ...</b>	<b>wording (1)</b>	<b>Y (1)</b>
<b>warnings (3)</b>	71:20,21	181:20	34:20	108:23
110:3 130:25	84:25 86:10	<b>whichever (1)</b>	<b>words (6)</b>	<b>Y-A-L-E (1)</b>
160:17	87:20 93:23	140:19	10:5 12:5	122:7
<b>warranties (1)</b>	113:23	<b>wholesaler (2)</b>	120:21	<b>Yale (1)</b>
172:2	115:12	117:20 119:8	122:25	122:6
<b>warranty (6)</b>	122:23 142:5	<b>wholesalers (2)</b>	123:11	<b>yeah (17)</b>
165:21 166:7	143:4,14	93:24 169:19	134:11	7:11 9:13 20:5
171:14,14,18	144:21 145:3	<b>wholly (1)</b>	<b>work (2)</b>	25:13 36:13
171:24	157:11	73:15	12:24,25	43:5 52:12
<b>wasn't (6)</b>	<b>we've (3)</b>	<b>willing (1)</b>	<b>worked (1)</b>	65:24 78:17
26:16,17 81:18	67:18 68:9	62:8	147:23	84:11 91:11
118:20 148:3	105:7	<b>window (1)</b>	<b>working (11)</b>	96:21 97:2
174:11	<b>web (6)</b>	112:18	27:10 30:12	98:11 100:23
<b>way (12)</b>	116:13,17	<b>wire (1)</b>	97:20,22	153:15 154:7
65:16 72:8	129:24	103:21	101:7 102:21	<b>year (13)</b>
93:14 104:16	151:21	<b>wish (1)</b>	146:23 149:9	10:17 44:6
129:5 139:23	153:10	162:2	176:3,14,20	89:13 92:23
142:25	155:24	<b>wishes (2)</b>	<b>world (2)</b>	111:5,23
152:11,20	<b>website (15)</b>	26:23 27:5	143:2 173:17	121:3 122:19
154:17	104:15 116:10	<b>Withdrawn (1)</b>	<b>write (1)</b>	139:21 140:3
164:17	116:11	114:4	95:23	140:24 147:5
181:18	129:22 130:3	<b>witness (15)</b>	<b>writing (11)</b>	149:4
<b>ways (1)</b>	130:6,7	2:6 7:14 13:7	16:2,4,10 25:7	<b>yearly (1)</b>
63:16	151:20,24	49:23 50:8	25:14 42:15	43:2
<b>we'll (19)</b>	152:4,13,18	60:16 61:5	71:16 87:19	<b>years (11)</b>
6:22 16:11	154:9 156:6	62:2,22 64:16	87:25 110:17	20:22,23 27:10
25:6,13,14	156:14	177:12	112:2	47:14,14 77:3
28:16 32:21	<b>websites (1)</b>	181:11,14,20	<b>written (3)</b>	101:3,3,8
33:2 40:20	109:10	182:21	19:25 20:19	141:2 146:24
42:15 58:11	<b>week (3)</b>	<b>witnesses (1)</b>	151:24	<b>Yep (1)</b>
68:2 69:2	5:12 21:11,14	62:11	<b>wrong (1)</b>	119:12
71:15 78:21	<b>Weekly (1)</b>	<b>Woods (11)</b>	166:15	<b>Yeraka (1)</b>
87:19 91:4	21:15	2:10 10:11	<b>WWW.dotp...</b>	108:22
111:4 141:25	<b>weeks (2)</b>	32:13 43:13	129:20	<b>Yo (1)</b>
<b>we're (36)</b>	92:8,21	73:7 103:5		157:16
10:15 16:4	<b>went (2)</b>	139:19 144:9	<b>X</b>	<b>York (9)</b>

February 14, 2022

[Page 212]

1:2 2:11 3:6 3:10,15 7:15 133:4 181:4,9 <b>YURIY (1)</b> 3:4	<b>zoom (3)</b> 2:10 20:3,9 <b>0</b> <b>0 (2)</b> 82:15,18 <b>02/14/2022 (1)</b> 182:4	<b>162 (1)</b> 179:17 <b>165 (1)</b> 179:16 <b>17 (1)</b> 134:3 <b>1883 (1)</b> 3:5 <b>1990 (1)</b> 91:19 <b>1996 (1)</b> 11:18	<b>2020 (2)</b> 124:16 137:9 <b>2021 (3)</b> 111:5 112:9 134:3 <b>2022 (2)</b> 1:19 181:21 <b>21 (2)</b> 137:9 146:23 <b>242 (1)</b> 3:10 <b>25 (1)</b> 180:3 <b>2nd (1)</b> 181:21	180:7 <b>77007 (1)</b> 7:24 <b>77055 (1)</b> 13:12
<b>Z</b> <b>zero (2)</b> 82:11 84:7 <b>Zohar (77)</b> 3:6 5:10 6:22 7:11,18 8:2 10:22 12:2 15:23 16:12 16:18 25:5 28:11 32:9,16 32:20 40:6,13 41:6 42:14 43:4,8,13 49:21 51:17 57:17 61:2,25 63:24 65:12 67:22 69:23 71:15 73:7 74:16 78:17 81:2,11,16,25 82:6 83:6 84:19 86:23 87:18 98:9,17 99:2,19 100:8 102:2,6,9 103:5 111:25 114:3 141:19 142:9 143:4 143:16 144:4 144:9 145:6 145:12 151:9 153:15 154:6 157:11 161:23 162:8 165:12,15 172:19 176:9 177:2,7 179:16	<b>1</b> <b>1 (4)</b> 33:3,5,10 179:8 <b>10 (3)</b> 44:19 101:8 141:2 <b>100 (3)</b> 13:12 109:14 146:6 <b>10573 (1)</b> 3:10 <b>11 (4)</b> 20:22,23 27:10 101:3 <b>11:09 (1)</b> 1:20 <b>112 (1)</b> 180:14 <b>11214 (1)</b> 3:6 <b>11553 (1)</b> 3:15 <b>12 (1)</b> 130:15 <b>127 (1)</b> 179:9 <b>14 (1)</b> 1:19 <b>15 (1)</b> 78:24 <b>157 (1)</b> 180:18 <b>16 (1)</b> 179:24	<b>2</b> <b>2 (4)</b> 127:13,15,25 179:9 <b>20 (8)</b> 44:19 110:21 111:3,14 112:19 113:15 178:20 182:23 <b>20,000 (1)</b> 113:3 <b>2001 (1)</b> 92:6 <b>2002 (2)</b> 92:3,6 <b>2011 (5)</b> 16:25 18:8,20 23:20 122:22 <b>2012 (7)</b> 42:8 43:22 45:2 101:9 121:4 122:22 147:3 <b>2014 (1)</b> 124:8 <b>2016 (2)</b> 92:24 133:5 <b>2017 (1)</b> 92:24	<b>3</b> <b>3:56 (1)</b> 177:11 <b>30 (3)</b> 6:9 62:19 80:17 <b>33 (1)</b> 179:8 <b>333 (1)</b> 3:14 <b>4</b> <b>42 (1)</b> 180:5 <b>5</b> <b>6</b> <b>6 (1)</b> 62:19 <b>60,000 (1)</b> 113:3 <b>610126 (1)</b> 133:5 <b>7</b> <b>7 (1)</b> 179:16 <b>71 (1)</b>	<b>8</b> <b>832 (1)</b> 129:10 <b>86th (1)</b> 3:5 <b>87 (1)</b> 180:9 <b>9</b> <b>9 (1)</b> 124:16 <b>902 (1)</b> 7:23 <b>93 (1)</b> 13:11 <b>98 (1)</b> 91:19 <b>99 (1)</b> 91:19



**CORRECTION SHEET**

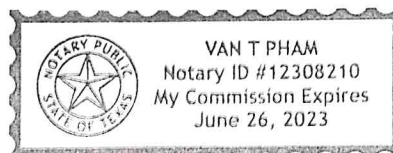
STATE OF NEW YORK     )  
                                      )  
COUNTY OF                )     Case: Khusenov v. Prokraft v Karzinka US

**EDUARDO FLORES**, sworn, deposes and says: the following corrections are made to me  
Examination Before Trial testimony held on February 14, 2022.

**PAGE 11                   LINE 8                   REASON: Typo**  
**SHOULD READ: Universidad Pontificia**  
**PAGE 11                   LINE 15                   REASON: Typo**  
**SHOULD READ: International Business**  
**PAGE 12                   LINE 7                   REASON: Typo**  
**SHOULD READ: Tec de Monterrey**  
**PAGE 12                   LINE 25                   REASON: Typo**  
**SHOULD READ: TOR REY Refrigeration (Please make the change throughout the document since the**  
**same typographical error is displayed on several occasions. Every time that TOREY Refrigeration is**  
**mentioned should read TOR REY Refrigeration)**  
**PAGE 13                   LINE 3                   REASON: Typo**  
**SHOULD READ: T-O-R-R-E-Y**  
**PAGE 13                   LINE 7                   REASON: Typo**  
**SHOULD READ: TOR REY (Please make the change throughout the document since the same**  
**typographical error is displayed on several occasions. Every time that TOREY is mentioned should read**  
**TOR REY)**  
**PAGE 13                   LINE 11                   REASON: Typo**  
**SHOULD READ: 1293 North Post Oak Road**  
**PAGE 19                   LINE 12                   REASON: Typo**  
**SHOULD READ: Andres Valverde**  
**PAGE 22                   LINE 21                   REASON: Typo**  
**SHOULD READ: Inbox**  
**PAGE 27                   LINE 7                   REASON: Typo**  
**SHOULD READ: We never had that conversation so**  
**PAGE 27                   LINE 24                   REASON: Incorrect Transcription**  
**SHOULD READ: industry and also sales of electronic scales**  
**PAGE 27                   LINE 25                   REASON: Incorrect Transcription**  
**SHOULD READ: for the food service industry as well.**

  
EDUARDO FLORES

Subscribed and sworn before me this 28 day of April 2022



  
NOTARY PUBLIC

**CORRECTION SHEET**

STATE OF NEW YORK    )  
                                      )  
COUNTY OF                )       Case: Khusenov v. Prokraft v Karzinka US

**EDUARDO FLORES**, sworn, deposes and says: the following corrections are made to me  
Examination Before Trial testimony held on February 14, 2022.

**PAGE 37                   LINE 23,24 and 25    REASON:** Incorrect Transcription  
**SHOULD READ:** apparently is a Pro Cut slicer and then the next item it's a Pro Cut grinder and then one more that reads Pro Cut grinder.

**PAGE 66                   LINE 7                   REASON:** Incorrect Transcription  
**SHOULD READ:** assign salespeople. Things like that.

**PAGE 67                   LINE 13                  REASON:** Correction  
**SHOULD READ:** Yes, I was until the end of 2016

**PAGE 70                   LINE 21                  REASON:** Incorrect Transcription  
**SHOULD READ:** In what sense?

**PAGE 66                   LINE 7                   REASON:** Correction  
**SHOULD READ:** Yes, I was until the end of 2016

**PAGE 87                   LINE 17                  REASON:** Incorrect Transcription  
**SHOULD READ:** Pro Kraft has it as a company

**PAGE 89                   LINE 25                  REASON:** Incorrect Transcription  
**SHOULD READ:** time I became president it has always been.

**PAGE 91                   LINE 25                  REASON:** Incorrect Transcription  
**SHOULD READ:** Negotiations

**PAGE 94                   LINE 24                  REASON:** Incorrect Transcription  
**SHOULD READ:** Carlos M-U-Z-Q-U-I-Z

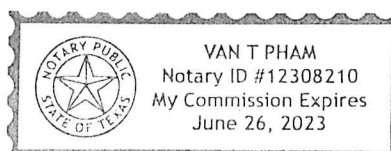
**PAGE 95                   LINE 15,16,17          REASON:** Incorrect Transcription  
**SHOULD READ:** invoice that we reviewed shows it and the funds that covered that invoice came directly from Pro Kraft bank account

**PAGE 103                  LINE 18-25              REASON:** Incorrect Transcription  
**SHOULD READ:** No, I have not. There is international testing that has been done on the units so that can be sold in the U.S. market. They assess that we can sell the equipment and that complies with those certifications and the responsibility to carry those certifications relies on the manufacturer.

**PAGE 104                  LINE 15-17              REASON:** Incorrect Transcription  
**SHOULD READ:** that UL website and you can pull the certificate from there. The same way for NSF.

  
EDUARDO FLORES

Subscribed and sworn before me this 28 day of April 2022



  
NOTARY PUBLIC

**CORRECTION SHEET**

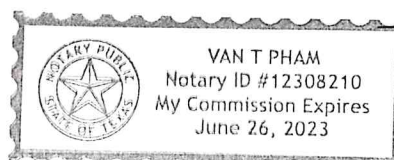
STATE OF NEW YORK )  
 ) Case: Khusenov v. Prokraft v Karzinka US  
 COUNTY OF )

**EDUARDO FLORES**, sworn, deposes and says: the following corrections are made to me Examination Before Trial testimony held on February 14, 2022.

<b>PAGE</b> 108	<b>LINE</b> 22	<b>REASON:</b> Incorrect Transcription
<b>SHOULD READ:</b> M-Y-R-N-A		
<b>PAGE</b> 109	<b>LINE</b> 2	<b>REASON:</b> Correction
<b>SHOULD READ:</b> HERNANDEZ		
<b>PAGE</b> 114	<b>LINE</b> 12	<b>REASON:</b> Typo
<b>SHOULD READ:</b> TOR REY		
<b>PAGE</b> 115	<b>LINE</b> 7	<b>REASON:</b> Incorrect Transcription
<b>SHOULD READ:</b> the equipment. On the serial plate		
<b>PAGE</b> 115	<b>LINE</b> 20-21	<b>REASON:</b> Incorrect Transcription
<b>SHOULD READ:</b> They are sold as they are packaged by the manufacturer.		
<b>PAGE</b> 116	<b>LINE</b> 2	<b>REASON:</b> Incorrect Transcription
<b>SHOULD READ:</b> Pro Cut Brand		
<b>PAGE</b> 116	<b>LINE</b> 12	<b>REASON:</b> Incorrect Transcription
<b>SHOULD READ:</b> The brand Pro Cut has		
<b>PAGE</b> 116	<b>LINE</b> 14	<b>REASON:</b> Incorrect Transcription
<b>SHOULD READ:</b> The brand Pro Cut is owned by		
<b>PAGE</b> 116	<b>LINE</b> 18	<b>REASON:</b> Incorrect Transcription
<b>SHOULD READ:</b> TOR REY		
<b>PAGE</b> 125	<b>LINE</b> 3	<b>REASON:</b> Incorrect Transcription
<b>SHOULD READ:</b> by FEMSA EMPAQUES, F-E-M-S-A E-M-P-A-Q-U-E-S		
<b>PAGE</b> 125	<b>LINE</b> 5	<b>REASON:</b> Incorrect Transcription
<b>SHOULD READ:</b> affiliation to FEMSA EMPAQUES (Please make the change throughout the document since the same transcription error is displayed on several occasions. Every time that Femsaf Mabus is mentioned should read FEMSA EMPAQUES)		
<b>PAGE</b> 130	<b>LINE</b> 6	<b>REASON:</b> Incorrect Transcription
<b>SHOULD READ:</b> have a website only Pro Cut as a brand.		
<b>PAGE</b> 137	<b>LINE</b> 19	<b>REASON:</b> Incorrect Transcription
<b>SHOULD READ:</b> TOR REY U.S.A.		
<b>PAGE</b> 146	<b>LINE</b> 24	<b>REASON:</b> Incorrect Transcription
<b>SHOULD READ:</b> years old. That's a really broad		

  
 EDUARDO FLORES

Subscribed and sworn before me this 28 day of April, 2022



  
 NOTARY PUBLIC



**CORRECTION SHEET**

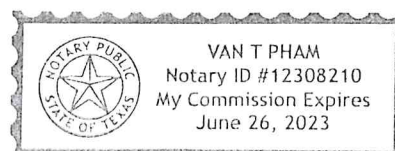
STATE OF NEW YORK    )  
                                      )  
COUNTY OF                )       Case: Khusenov v. Prokraft v Karzinka US

**EDUARDO FLORES**, sworn, deposes and says: the following corrections are made to me  
Examination Before Trial testimony held on February 14, 2022.

**PAGE 149                   LINE 4-6                   REASON:** Incorrect Transcription  
**SHOULD READ:** TOR REY U.S.A. only sold the TOR REY brand grinders.  
**PAGE 154                   LINE 15                   REASON:** Incorrect Transcription  
**SHOULD READ:** the person that manages the marketing side in  
**PAGE 156                   LINE 20                   REASON:** Incorrect Transcription  
**SHOULD READ:** well the marketing manager and the other  
**PAGE 163                   LINE 2                   REASON:** Incorrect Transcription  
**SHOULD READ:** Yes, it is. It has an  
**PAGE 163                   LINE 11                   REASON:** Incorrect Transcription  
**SHOULD READ:** how it was attached  
**PAGE 163                   LINE 19-22                   REASON:** Incorrect Transcription  
**SHOULD READ:** nothing is sold separately. Everything comes as one piece and it's something that you  
can't buy one part as needed. You have to get the headstock.  
**PAGE 163                   LINE 11-19                   REASON:** Incorrect Transcription  
**SHOULD READ:** To get a unit serviced, they have to have proof of purchase and also provide a  
description via photograph or video to let us know what's wrong with it and the according to it a  
technician will be dispatched and they can review the unit and see if it's a manufacturer defect or was  
misused by the end user.  
**PAGE 170                   LINE 7                   REASON:** Incorrect Transcription  
**SHOULD READ:** couldn't do it. He was using a hammer.  
**PAGE 171                   LINE 10-12                   REASON:** Incorrect Transcription  
**SHOULD READ:** No, apparently for this case it seems like the guard were not in place, so it was removed.  
**PAGE 173                   LINE 12                   REASON:** Incorrect Transcription  
**SHOULD READ:** KG32  
**PAGE 174                   LINE 19-25                   REASON:** Incorrect Transcription  
**SHOULD READ:** No, we comply with international standards so that is a call that has to be made by the  
manufacturer. So, it is not a call made by Pro Kraft.  
**PAGE 175                   LINE 20-22                   REASON:** Incorrect Transcription  
**SHOULD READ:** TOR REY has no involvement on these grinders. They've no say on the matter and Pro  
Kraft, no.

  
EDUARDO FLORES

Subscribed and sworn before me this 28 day of April, 2022



  
NOTARY PUBLIC

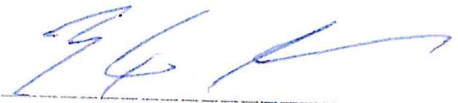
Page 178  
February 14, 2022

1 E. FLORES

2 D E C L A R A T I O N

3  
4 I hereby certify that having been  
5 first duly sworn to testify to the truth, I  
6 gave the above testimony.

7  
8 I FURTHER CERTIFY that the foregoing  
9 transcript is a true and correct transcript  
10 of the testimony given by me at the time  
11 and place specified hereinbefore.

12  
13  
14 

15  
16 EDUARDO FLORES

17  
18  
19 Subscribed and sworn to before me  
20 this 17 day of May 20 22

21  
22  
23 

24 NOTARY PUBLIC

